



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 21 APRIL, 2015**

**Stephen Goode**

**CHIEF EXECUTIVE OFFICER**

**Date:**

**DISCLAIMER**

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

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**21 APRIL, 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**

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

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

**Ms Katie Bovell (Governance Officer)**

**Two members of the public**

**Two members of the press**

**APOLOGIES**

Cr Peter Edwards (Leave of Absence)

Cr Chris Mews (Leave of Absence)

Cr Paul Kelly (Apology)

**3 DISCLOSURE OF INTERESTS**

NIL

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

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

**Ms Lisa Engelbrecht, MGA Town Planners, 26 Mayfair Street, West Perth.  
Re: Item 13.2.2, Lot 4 (20) Saladin Street, Swanbourne – Application for  
Retrospective Planning Approval for Fence and Privacy Screen.**

Ms Engelbrecht requested Council consider amending the report recommendation.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Lorenz, seconded Cr Haynes**

**That the minutes of the Ordinary Meeting of Council held on 7 April 2015  
be confirmed.**

**CARRIED(57/15)  
(NO DISSENT)**

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

Item 17.1.1, Expressions of Interest - Lot 151 Claremont Crescent.

**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 CONTINUOUS IMPROVEMENT PROPOSAL**

<b>File Ref:</b>	<b>COM00050</b>
<b>Responsible Officer:</b>	<b>Stephen Goode Chief Executive Officer</b>
<b>Author:</b>	<b>Stephen Goode Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>

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#### **Purpose**

This report is to present a best practice and continuous improvement proposal which aims that within two years the Town will be able to demonstrate it is a best practice boutique local government unarguably in touch with and responsive to its community. New resourcing is required to achieve the potential of Claremont as a best practice boutique local government.

#### **Background**

Since 2009 a great deal of time and resource has been focused in a reactionary way on the State Government's reform proposals. The Government has announced the abandonment of its attempt to restructure local government. This presents an opportunity to refocus, including seeking new ways of ensuring best value services for the Claremont community. The Town's Executive Leadership Team (ELT) has spent time focussing on how to best take advantage of the opportunities presented now that the distraction of local government restructuring is removed.

Although the ELT believes the Town is a very good example of a small scale local government there is a gap between where we are now and being a best practice small local government. It could be a rational option to chose 'business as usual' as the way forward but the ELT does not want to see an opportunity to achieve best practice ignored: This is the purpose of the report, to present the opportunity to set best practice as a clear objective and pursue it as a core corporate goal.

#### **Discussion**

The Claremont Council opposed restructuring on the basis that small local government 'is best' – this is understood to mean things like accessible to and responsive to community, focussed on what the community values, financially responsible and sustainable and delivering good governance to the district.

The key assumptions which underpin this proposal are:

1. Town of Claremont will remain as a standalone local government for the foreseeable future (if the past is a fair indicator it should be 5 – 10 years before a future State Government again turns attention to reforming local government boundaries).

2. The Town is a very good example of a small scale local government but there is a gap between where we are now and being a best practice small local government.
3. The Council will want to achieve best practice.

The ELT adopted as its aim – *Within two years to be able to demonstrate we are a best practice boutique local government really in touch with and responsive to our community.* All ambitious projects should have a name and for this proposal ELT has adopted *the Claremont way*. We don't use the term 'when we are finished' because what is proposed is a properly resourced continuous improvement process, however the goal is that after two years of this focussed resourcing *the Claremont way* will be recognised as being different, how other local governments aspire to be.

To 'close the gap' we will need to address the issues raised in the status report prepared using the Department's Local Government Reform funding. There are 51 recommendations for system and process improvements. Some of these we have already attended to, some others are relatively minor, while others will require considerable resourcing (people, time and funds). It provides a useful starting point.

Rather than attempt a hierarchal or priority list the following are matters ELT believe we need to address to close the gap:

1. Clarity from council members about priorities and commitment to this proposed push to best practice.
  2. Reviewing how we achieve best practice in connecting with the Claremont community/stakeholders.
  3. Customer Service – consistency; standards of correspondence; response times; outcome/solution focus – do it once and not have to revisit it again and again; CRM system.
  4. Reinforce the culture around the Claremont way – “this is how we do it at Claremont because we are a best practice small local government.”
  5. We do not have appropriate HR and payroll systems. Each are interrelated but are separate operationally through two inadequate (by modern industrial relations and human resource management standards) systems; no HRM IT system; difficulty getting info easily that is absolutely accurate (and complete).
  6. The Town's Finance system is an orphan system – reporting in particular is well below what effective management needs; simply needs to be changed/there are much better software offers.
  7. Planning and Building – achieving best practice; electronic lodgement. Modernise town planning scheme ahead of imposed changes coming from WAPC.
  8. How best to upgrade/update ICT systems – what are the best? How do we get from second best to best or most suitable?
  9. Website – modern site – ease of navigation; information for site; maintenance; allow more web based initiatives internally to streamline administrative processes (e.g. payroll and customer service).
  10. Systems and processes – what have we got in terms of mapped processes and recorded task descriptions (individual jobs)?
-

Whilst this list is not exhaustive it hopefully presents a feel for the broad scope of what will have to be addressed to achieve the goal of being a best practice small local government.

### **Past Resolutions**

There are no directly relevant resolutions although Council's support of resource sharing with neighbouring local governments (OCM 07 April 2015, Resolution 46/15) is related in the context of how some of the things to be done may be achieved. The officer report identified that it will be necessary to invest time and finances to create and implement a subsidiary organisation before any service delivery can be implemented through it. The resourcing proposed for *the Claremont way* will directly assist in the preparatory work needed to be ready to introduce resource sharing through a regional subsidiary organisation.

### **Financial and Staff Implications**

The Town is not resourced to achieve this project's outcomes. In the development of the 2015-2016 Budget there will be new funding identified which is available through reassessment of a number of existing budget provisions. To allow the proposal to get started it is proposed that Council approve the recruitment of a well experienced person with the skills to cut across many of the areas which need to be addressed. This position is requested for a two year contract, after which it should not be required (once the continuous improvement project is imbedded it should become 'the way we do our business' and not need specific resourcing).

Funding for 6-8 weeks for the remainder of the current financial year can be accommodated from the existing staff budget which was reported to the 07 April meeting to be \$131,035 under budget due to timing across training, recruitment, OSH (\$28K), insurance (\$16K) and staff vacancies. Not all of this under expenditure will be required this financial year, leaving sufficient (allow \$20,000) to allow the recruitment of the 'Claremont way officer'.

### **Policy and Statutory Implications**

Although it is not a specific policy, Council has an unwritten policy of capping employee FTE numbers. If Council approves this proposal the proposed two year contract position is additional to the current approved FTE of 69.8.

There are no statutory barriers to the officer proposal.

### **Publicity**

No specific publicity proposed.

### **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.*

- 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.
- Provide responsive and responsible leadership.

**Urgency**

Council support will create the momentum for pursuing the *Claremont way* best practice and continuous improvement proposal.

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Browne****That Council**

1. **Endorses the *Claremont way* best practice and continuous improvement proposal.**
2. **Approves a two year contract staff position which is a temporary addition to the approved FTE to provide a dedicated resource to support the CEO in achieving the *Claremont way* objectives.**
3. **Further consider project funding as part of the 2015-2016 Budget.**

**CARRIED(58/15)  
(NO DISSENT)**

## 13.2 PLANNING AND DEVELOPMENT

Items 13.2.1 to 13.2.2 were carried en bloc.

### 13.2.1 LOT 9, 10 AND 11 (70 – 74) FIRST AVENUE, CLAREMONT - PROPOSED BUILT STRATA SUBDIVISION

<b>File Ref:</b>	<b>A-1710 and 02SUB/15/1710</b>
<b>Attachments – Public:</b>	<a href="#">Location Plan</a>
<b>Attachments – Restricted:</b>	<a href="#">Proposed Strata Plan</a>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Julia Kingsbury Planning Manager</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>
<b>Property Owner:</b>	<b>Palm Industries (Aust) Pty Ltd</b>
<b>Submitted By:</b>	<b>WKC Cadastral and Land Services</b>
<b>Zoning:</b>	<b>Residential R30</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i> <i>Strata Titles Act 1985 (STA)</i> <b>Applications to Strata Title Buildings Policy LV119 Minimum Standards of Residential Buildings for Approval of Issue of Strata Plan Title Policy LV120</b></b>

#### Purpose

For Council to determine an application for a proposed built strata subdivision. It is requested that the Council issue a Form 24-2 being an approval subject to relevant conditions.

#### Summary

- Application for a built strata subdivision application requires Council approval under delegation from the Western Australian Planning Commission (WAPC).
- Proposal generally complies with the planning approval(s) and building permit(s) issued by the Town.
- Application is recommended for approval, subject to relevant conditions.

#### Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
14 April 2015	Built Strata application received by Council.
14 April 2015	Report prepared for Council.

## Past Resolutions

Ordinary Council Meeting 6 August 2013, Resolution No. 235/13:

*That Council grant Planning Approval for the demolition of the existing church and proposed construction of 14 multiple dwellings units (seven single bedroom and seven two bedroom units) at Lots 9, 10 and 11 (70) First Avenue, Claremont subject to relevant conditions and advice notes.*

A building permit for the proposed development was issued by the Town on 12 February 2014. The development is currently under construction and nearing completion.

On 11 February 2014 and 8 April 2015, the Town granted Planning Approval to modify Condition 2 of the 6 August 2013 planning approval relating to the widening of the adjacent right of way.

On 5 February 2015 the Town, under Delegated Authority, provided conditional support for the amalgamation of Lots 9 to 11. At the time of this report, a request for subdivision clearance has not been lodged with the Town.

## Statutory Considerations

In May 2009 the WAPC resolved to delegate its power to issue a certificate of approval under s25 of the Strata Titles Act 1985 to local government.

The Town is therefore responsible for determining any application for a built strata (except where delegation is not provided).

The Council may issue one of the following:

- Form 24-1 Approval – Preliminary Strata Plan
- Form 24-2 Approval Subject to Condition(s) – Preliminary Strata Plan
- Form 24-3 Refusal – Preliminary Strata Plan

Following the issue of a Form 24 approval and compliance with any conditions imposed by the Council, the applicant must lodge an application for a Form 26 Certificate for the Town's approval.

It is also noted that separate approvals under the Building Act 2011 including a BA12 Occupancy Permit and BA16 Building Approval Certificate are also required.

## Consultation

### Public Consultation

The application was not required to be advertised for public comment.

## Discussion

### Description

The development comprises of 14 multiple dwellings, including seven single bedroom and seven two bedroom dwellings, associated residential stores, 20 residential parking bays and one on-site visitor parking bay.

### Compliance

The proposed built strata application should be consistent with the relevant planning approvals and building permits issued by the Town.

It is noted that each residential dwelling is allocated a minimum of one car parking bay and one residential store as per the requirements of the Residential Design Codes. In this instance the proposed built strata is consistent with the relevant approvals.

Prior to the issue of a Form 26 Certificate the development must be completed in accordance with the relevant approvals. Any Form 24 approval should be conditional to the development being completed in accordance with the relevant planning approval(s), building permit(s) and the Building Code of Australia prior to the Town issuing a Form 26 Certificate (final clearance certificate).

### Council Policy

Applications for built strata subdivision are subject to the objectives and requirements of the Council's Applications to Strata Title Buildings (LV119) and Minimum Standards of Residential Buildings for Approval of the Issue of Strata Plan Title (LV120) Policies. Both Council Policies are aimed to ensure strata title developments are of a sufficient standard for the amenity of existing and/or future occupants (e.g. laundry density and dwelling requirements). The Policies are not considered relevant to this application as the subject development is not for an existing older building (for which these Policies were directed towards) and the development has been approved to meet modern facility and current planning and building standards applicable to residential and commercial development.

### **Conclusion**

Based on the above, it is recommended that the Council under delegated authority of the WAPC endorse approval of the proposed built strata subdivision and issue a conditional Form 24.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Tulloch**

**THAT Council under delegated authority of the Western Australian Planning Commission advise the applicant that it is prepared to endorse approval of the application for built strata subdivision in accordance with Strata Plan 64740 Sheets 1 to 3, subject to the following condition:**

- 1. The subject development conforming with the relevant planning approval(s), building permit(s), the Building Code of Australia and the whole of the building being completed in accordance with the aforesaid, prior to the Town of Claremont endorsing the Form 26.**

**CARRIED(59/15)  
(NO DISSENT)**

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### 13.2.2 LOT 4 (20) SALADIN STREET, SWANBOURNE – APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR FENCE AND PRIVACY SCREEN

<b>File Ref:</b>	<b>A-3505/DA2015.00040</b>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Attachments Public:</b>	<a href="#">Location Map</a> <a href="#">Photograph</a>
<b>Attachments Restricted:</b>	<a href="#">Plans</a>
<b>Author:</b>	<b>Julia Kingsbury Manager Planning</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>
<b>Date Prepared:</b>	<b>8 April 2015</b>
<b>60 Days Due Date:</b>	<b>26 May 2015</b>
<b>Property Owner:</b>	<b>N A and C M Hadfield</b>
<b>Submitted By:</b>	<b>MGA Town Planners</b>
<b>Lot No.:</b>	<b>4</b>
<b>Area of Lot:</b>	<b>764m<sup>2</sup></b>
<b>Zoning:</b>	<b>Residential</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA) Local Government (Uniform Local Provisions) Regulations 1996 (LG Regs) Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC) Front Fences Policy LV117 (Policy) Fencing Local Law (FLL)</i></b>

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#### Summary

- Approvals granted under Delegated Authority for second storey addition and alterations including boundary walls in 2013 and 2014.
- Application for retrospective planning approval submitted for the boundary wall constructed as it is not compliant with planning approvals.
- Proposal does not comply with the RDC, Policy and Local Law provisions, however some concessions may be considered.
- Application is recommended for approval, subject to relevant conditions requiring parts of the boundary wall to be modified.

#### Purpose

Retrospective planning approval is sought for the construction of boundary walls, a privacy screen and vehicle hardstand.

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The application requires the Council's determination due to the proposal being associated with a compliance matter the Council has been made aware of.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
27 March 2015	Planning Application received by Council.
1 April 2015	Application undergoes internal DCU assessment.
8 April 2015	Report prepared for Council.

Prior to the approvals detailed below the site was characterised by a single storey brick and tile house featuring a low brick wall along the Shenton Road frontage and a fibro cement fence and high brick wall along the Saladin Street frontage.

## Past Resolutions

Under Delegated Authority on 17 September 2013 the Town issued planning approval for the construction of a second storey addition and alterations to the existing dwelling at 86 Shenton Road, Swanbourne (now known as 20 Saladin Street, Swanbourne). The approval included the construction of a new boundary wall to the Shenton Road and Saladin Street frontages. The assessment of the wall and fence noted that the proposal did not comply with the Council's Policy and Local Law requirements along the Saladin Street frontage including the portion that extended into the front setback area. As such the proposal was granted approval subject to the following conditions relevant to the wall and fence:

4. *The segment of fencing illustrated in red on the approved plans is to be 'Visually Permeable' above 0.9m in height to a maximum of 1.8m with piers not higher than 2.1m. Measurements are to be taken from natural ground level;*
5. *Horizontal and/or vertical articulation being added to the solid wall facing Shenton Road to the satisfaction of Town of Claremont;*
6. *No building, wall, vegetation or other structure greater than 0.75 metres in height, is to be constructed within a 6.0m x 6.0m truncation at the north west corner of site;*
7. *No building, wall, vegetation or other structure greater than 0.75 metres in height, is to be constructed within a 1.5m x 1.5m truncation at the north east corner of site.*

A subsequent application for planning approval for a revised wall design was submitted to the Town for consideration. Under Delegated Authority on 27 May 2014 the Town issued planning approval for a revised wall which increased the height of solid component of the Saladin Street wall (from 0.9m to 1.2m in height) and reduced the corner truncation from 6m by 6m to 3.5m by 3.5m.

On 4 March 2015 the Town wrote to the owners of the site advising that the wall had not been constructed in accordance with either of the above approvals and the owners were advised to either modify the fence or seek retrospective planning approval.

## Consultation

The application was not required to be advertised in accordance with Local Planning Policy LG525 as the fence existing and the proposal is similar to the fence proposed in the original proposal which was advertised to adjoining landowners and granted conditional planning approval in September 2014. In regards to the privacy screen, the owner of the property to the east (potentially affected neighbour) has provided written consent stating they have no objection to the screen.

## Discussion

### Description

Retrospective planning approval is sought for the existing boundary walls along the Shenton Road and Saladin Street boundaries of the site. The walls do not comply with either approval previously granted by the Town and detailed above.

Details of the constructed walls include:

- A 2.12m to 2.16m high solid limestone wall constructed along the Shenton Road boundary in lieu of the approved 1.8m high with 2m high piers and a 1.5m by 1.5m truncation located in the north-east corner of the site.
- A 2.0m and 1.3m high solid rendered wall constructed along the 3.0m by 3.5m north-west truncated corner of the site and a portion of the Saladin Street frontage of the site in lieu of the approved 3.5m by 3.5m truncation and 1.8m high wall and 2.0m high piers with a solid component to 1.2m.
- A 1.14m high solid rendered wall constructed along a portion of the Saladin Street frontage in lieu of the approved 0.5m high wall with 0.7m high piers.

In addition to the above, retrospective approval is also sought for the construction of a vehicle hardstand with a 1.7m high solid rendered wall adjacent the Saladin Street frontage between the garage and the southern boundary and a 2.1m high by 8.0m wide privacy screen located adjacent to the eastern boundary of the site providing privacy to the approved alfresco dining area.

The applicant has also submitted a survey report, as requested by the Town, to confirm the location of the constructed wall. The survey illustrates that the existing wall encroaches outside the property boundaries and into the Saladin Street road reserve between 0.33m and 0.52m. The wall along Shenton Road has a minor encroachment of 0.08m into the Shenton Road reserve.

### Wall Height

A 2.12m to 2.16m high limestone wall has been constructed along the Shenton Road frontage of the site. Under the Council Policy and the FLL Shenton Road is defined as the primary street for the purposes of boundary fencing as this boundary is the lesser (in length) of the two boundaries (note - there is no discretion in the FLL to vary this determination of street frontage).

A solid wall to a height of 1.8m with piers to 2.1m was previously approved in accordance with the Policy and the FLL as Shenton Road is listed in the TPS3 as a road that is considered to carry high volumes of traffic. A number of concessions were granted in regards to the criteria for solid front walls to maximise the outdoor

area of the site and enhance the amenity of the outdoor area by minimising overlooking and noise impacts which is provided for in the both the Policy and RDC.

The additional height is considered minor and appears to have resulted due to the height of the limestone blocks used to construct the wall. The additional 0.32m to 0.36m height is not considered to negatively impact on the Shenton Road streetscape and can be supported in this instance.

The corner truncation is located within 6.0m of both frontages therefore regardless of the designation of the primary and secondary streets, the constructed wall along the truncated corner falls within the front setback area of the lot and should be visually permeable in accordance with Council Policy, the FLL and the RDC. Council Policy does, as detailed above, permit a solid front fence where a road is considered to carry a high volume of traffic. The Design Principles (DP) of the RDC also provides for the Council to have consideration for attenuation of traffic impacts, privacy and noise screening for outdoor living areas. The solid wall provides total privacy for the site's outdoor living area including the swimming pool. Although, as encouraged previously, alternative measures can be taken to provide privacy, including planting landscaping on the inside of the wall to reduce the impact of a solid high wall on the streetscape, the wall constructed on the truncated corner and the first two full height solid panels along Saladin Street can be supported in this instance to enhance the amenity of the outdoor living area from the impacts of traffic and potential overlooking.

In accordance with the RDC, Saladin Street is defined at the primary street as the main entry to the dwelling is accessed via this street. Significant concessions were granted in regards to front setbacks due to the footprint of the existing single storey dwelling and the proposed location of the main outdoor living area. It is therefore considered that any proposed fencing along Saladin Street comply with the deemed-to-comply (DTC) requirements of the RDC for street walls and fences. The constructed wall is approximately 1.14m to 2.0m in height and solid in lieu of solid to 1.2m and permeable up to a maximum height of 1.8m.

As detailed above, the owners wish to enhance the amenity of the outdoor living area including the swimming pool by restricting the potential for any overlooking into this area. If the Council supports the increased height along Shenton Road, the solid truncation and the first two full height panels, any concerns in regard to potential overlooking from the commercial uses located approximately 20-25m away on the opposite of the road are minimised. All other fencing along the Saladin Street frontage should be modified to result in a maximum height of 1.8m with any portion of the fence above 1.2m being visually permeable with the exception of the fence located between the garage and the southern boundary as this fence is setback from the boundary, in line with the approved setback the fence is considered to have less impact on the streetscape and can be supported. It is noted that the sightline adjacent to the driveway on the site is discussed below.

#### Sightlines

The DTC provisions of the RDC requires walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

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The proposal includes a wall that is higher than 0.75m adjacent to the driveway of both the property (along Saladin Street) and the adjacent property's driveway (along Shenton Road). The original approvals included a 1.5m by 1.5m truncation adjoining the adjacent property's driveway and a wall 0.5m with piers 0.7m in height adjacent to the sites driveway.

The owners have advised the Town that they are willing to modify the wall adjacent to the driveway of the site (along Saladin Street) however the following comments have been submitted with the application in regards to the sightline adjacent to the neighbouring property's driveway:

*'The approved fencing plans indicated that a small truncation would be provided on the Shenton Road frontage, adjoining the property at 84 Shenton Road. The fence has been partially truncated to provide an area for the meter boxes, however not in accordance with the approved plans.*

*The neighbouring property has a driveway on the western side of their site which exits onto Shenton Road. The purpose of the truncation was to prove sight lines for the driveway on the adjoining site, however the reality of the circumstances differed from the planning ideals.*

*The property at No. 84 has a full height, solid limestone front fence, similar to what has been constructed at No. 20 Saladin Street. The pillar for the front fence is located abutting No. 20 and a full height, solid dividing fence exists between the properties.*

*The dividing fence is also covered by a flowering vine, which is appreciated by both property owners and adds an attractive element to the streetscape. The truncation required by Council will not serve any purpose, as the sight lines to the adjoining property are hindered by the existing dividing fence and the circumstances of the front fence at No. 84.'*

The DP's for the above DTC state that unobstructed sightlines are to be provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths. As both road reserves include a footpath adjacent to the site and the site is in close proximity to a school and two local centres, the wall should include relevant sightlines to ensure the safety of pedestrians using the footpath. It is noted that an existing dividing fence located between the site and No. 84 currently obstructs sightlines from the adjoining driveway as lattice has been installed above the existing low fence to grow a flowering vine. The required truncation will however provide for a future sightline which would also be required on the neighbouring property should they wish to alter the front fence, driveway or dwelling in a way that affects the driveway. As such any approval should be conditioned to require the boundary walls to be modified to include relevant sightlines to the satisfaction of the Town.

### Encroachments

The applicant has submitted a survey which illustrates that the existing wall encroaches outside the property boundaries and into the road reserve (footpath and verge) between 0.33m and 0.52m. The greatest encroachment is at the northern end

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of the Saladin Street frontage where the existing fibro cement fence was replaced. The fence along the remainder of the Saladin Street frontage also encroaches into the road reserve however it is noted that this is the existing fence which was retained and reduced in height.

Under Clause 38 of TPS3 a building the subject of an application for planning approval cannot extend over the boundaries of a lot unless the lots are amalgamated into one lot on one certificate of title. Under the RDC a 'building' does not include a boundary fence therefore Clause 38 does not apply.

The *Local Government (Uniform Local Provisions) Regulations 1996* (LG Regs) permits a person to apply to the local government for permission to construct on, over or under the road reserve (being a public thoroughfare). The Council may approve the encroachment if the ordinary and reasonable use of the public thoroughfare of public place for the public place is not to be permanently or unreasonably obstructed; and damage to the public thoroughfare during construction is prevented or repaired to the satisfaction of the Town. In accordance with the LG Regs a person that constructs any structure within the thoroughfare must maintain the structure and indemnify the Town against any claim for damages which may arise in, or out of, its construction, maintenance or use.

It is considered that the boundary walls do not impede on the public footpath or verge and therefore could be supported in accordance with Regulation 17 of the LG Regs. Any approval should be conditioned to require the owner enter into a legal agreement, secured on the certificate of title for the site by an absolute caveat for the ongoing maintenance and liability of the boundary walls (as advised by the Town's solicitors).

If the owner does not want to enter into a legal agreement the wall must be removed and reconstructed within the boundary of the site.

#### Privacy Screen

A 1.8m high, 8.0m wide privacy screen has been erected adjacent to the eastern boundary dividing fence to provide privacy to the sites alfresco dining area. The screen is generally not visible from the street however as the screen exceeds 1.8m in height it requires approval from the Town. The screen enhances the amenity of both neighbours and as the screen is finished in high quality materials on both sides it can be supported.

#### Corner Truncation

The original approval included a condition requiring a 6.0m by 6.0m visual truncation at the intersection of Shenton Road and Saladin Street to enable adequate sightlines and accommodate any future road and/or footpath works. The land was not required to be ceded to the Town. At the request of the owner the truncation was reviewed and reduced to a 3.5m by 3.5m truncation as the Town currently does not have a structure plan for the area in regards to future infrastructure works. The boundary wall has been constructed to include a truncation of approximately 3.0m by 3.5m in lieu of the required 3.5m by 3.5m truncation. The variation is considered minor and given that the truncation provides a visual sightline for pedestrians and vehicles it can be supported in this instance.

### Verge Treatment

The original verge treatment included turf, small shrubs and mulch which was installed and maintained by the Town. Portions of the verge have been replaced with loose stones which is an approved verged material as it can be hazardous if it spreads to the footpath and/or road. As no approval was obtained for the verge treatment the applicant/owner the owner has been advised to replace the stone with mulch and reinstate any landscaping that was removed. The owner has been in discussion with the Town's Parks and Environment Department in regards to reinstating the verge. As the verge treatment is not the subject of a planning approval is it recommended that an advice note be imposed on any approval advising this applicant/owner that they are required to submit an application for verge treatment to the Town's Parks and Environment Department.

### **Summary**

Based on the above, it is recommended that retrospective 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 Tulloch**

**THAT Council grant retrospective planning approval for boundary walls and privacy screen at Lot 4 (20) Saladin Street, Swanbourne subject to the following conditions and advice notes:**

- 1. Development shall occur in accordance with the drawings submitted with the application for Planning Approval (Planning Application DA-2015.00040), as amended by these conditions.**
- 2. The walls in the north-east corner of the site adjacent Shenton Road and adjacent to the driveway along Saladin Street to be modified to incorporate a visual 1.5m by 1.5m truncation above 0.75m in height to the satisfaction of the Town of Claremont.**
- 3. The wall along Saladin Street (excluding the corner truncation and first two panels south of the truncation and the wall between the garage and the southern boundary) to be modified to reduce the height of the solid component to a maximum height of 1.2m with any fencing above 1.2m (excluding piers) being visually permeable to the satisfaction of the Town of Claremont.**
- 4. The owner entering into a legal agreement/deed to secure the ongoing maintenance responsibility and indemnify the Town against any claim associated with the proposed encroachments. The agreement/deed is to be prepared by the Town's Solicitor and secured on the Certificate of Title as an absolute caveat over the land with all associated expenses being at the cost of the applicant/owner. Alternatively the wall is to be reconstructed wholly within the boundaries of the site to the satisfaction of the Town of Claremont.**
- 5. This application is valid only if the development is commenced within 24 months of the date of approval.**

**ADVICE NOTES**

- (i) A Building Permit must be obtained from the Local Government prior to the commencement of any building works. Building Permit applications for non-residential development **MUST** be certified prior to submission.
- (ii) 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 before 7.00am or after 6.00pm Monday to Saturday inclusive, or on a Sunday or on a public holiday.
- (iii) The existing verge treatment (stones) is not supported by the Town and verge should be reinstated to its previous condition. A verge treatment application is to be lodged with the Town's Parks and Environment Department prior to any works in the verge.
- (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 the determination.

CARRIED(59/15)  
(NO DISSENT)

**13.2.3 PROPOSED PLANNING POLICY – RESIDENTIAL AMENITY LV129**

<b>File Ref:</b>	<b>DAB/000</b>
<b>Attachments - Restricted:</b>	<a href="#"><u>Draft Planning Policy LV129 – Residential Amenity</u></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>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>
<b>Date Prepared:</b>	<b>9 April 2015</b>
<b>Financial Implications:</b>	<b>Advertising costs</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PD Act)</i></b> <b>Town Planning Scheme No. 3 (TPS3)</b>

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**Summary**

- Scheme Amendment No. 125 to TPS3, which was gazetted and came into effect on 21 March 2015 has made compliant 'single residential' development exempt from planning approval.
  - Compliant single houses (and extensions etc.) include those which satisfy the "deemed-to-comply" provisions of the Residential Design Codes (RDC), TPS3 provisions, or Council Policy, Structure Plans or Detailed Area Plans adopted under the Scheme.
  - This requires the Town to ensure all planning controls are clear and precisely stated in the Scheme, Planning Policies, Structure Plans and Detailed Area Plans.
  - The attached policy, Planning Policy LV129 - Residential Amenity, provides specific requirements designed to protect residential amenity over and above the deemed-to-comply provisions of the RDC.
  - The proposed policy is specifically designed to provide for an amenity assessment under the provisions of TPS3 and may include, but not be limited to, common concerns associated with residential development inclusive of overlooking beyond the scope of the RDC and roof glare.
  - The RDC provides for Council to adopt planning policies which prevail over the RDC where there is no inconsistency. Further, the RDC provides for Council to apply policies which augment the RDC by providing local housing objectives to guide judgments about the merits of proposals for any aspect of residential development that does not meet the requirements or is not provided for under the RDC.
  - Planning policies must be adopted under TPS3 in accordance with the provisions of cl.82.
-

- Council is requested to adopt the attached policy as a draft for public consultation prior to final consideration.

### **Purpose**

For Council to consider adopting a new planning policy LV129 - Residential Amenity as a draft policy to allow public consultation to be undertaken.

This policy is proposed to improve amenity outcomes for residential development which might otherwise be compliant with the deemed-to-comply provisions of the RDC and Council's other planning instruments, yet potentially create an undesirable amenity impact on the surrounding locality.

### **Background**

Council initiated Scheme Amendment No. 125 to TPS3 on 17 August 2013. It had two purposes:

- To introduce types of development that do not require planning approval.
- To allow Council wider powers of delegation (e.g. commercial planning applications).

The amendment was forwarded to the Western Australian Planning Commission (WAPC) on 17 February 2014 and was approved by the Minister for Planning on 5 March 2015.

The amendment was initially subject to heavy modification by the WAPC however after lengthy negotiations it was approved relatively intact. One major change from Council's original proposal was to extend the exemption for compliant single-storey dwellings to all compliant dwellings. This potentially allows two-storey development to avoid the need for planning approval.

### **Past Resolutions**

There are no past Council resolutions relevant to this report.

### **Statutory Considerations**

The Town is able to adopt planning policies under cl.82 of TPS3. Cl.82 which states as follows:

**82. PLANNING POLICIES:**

- (1) *The Council may prepare a planning policy (herein called a Policy) which may make a provision for any other matters related to the planning or development of the Scheme Area and which may be prepared so as to apply:*
  - (a) *generally or in a particular class of matter or in particular classes of matters*
  - (b) *throughout the Scheme Area in one or more parts of the Scheme Area and may amend or add to or rescind a Policy so prepared.*
- (2) *A Policy shall become operative only after the following procedures have been completed:*

- (a) *The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local paper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
  - (b) *Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
  - (c) *The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
  - (d) *Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- (3) *A Policy may be rescinded by:-*
- (a) *Preparation or final adoption of a new Policy pursuant to this clause specifically worded to supersede an existing Policy; and*
  - (b) *publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.*
- (4) *A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making a decision.*
- (5) *Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.*

If Council adopts the attached policy as a draft planning policy, it will be advertised in accordance with cl.82 and then a second report will be prepared for Council to determine whether to adopt the policy or not.

Part 7 of the RDC provides for policies to amend or replace specific design elements set out under the RDC and augment the RDC by providing local housing objectives to guide judgements about the merits of proposals for any aspect of residential development that does not meet the requirements or is not provided for under the RDC.

### **Consultation**

Consultation will be undertaken in accordance with cl.82 of TPS3 should Council adopt the attached policy as a draft planning policy.

### **Discussion**

By removing the need for compliant residential development to seek planning approval, it is necessary to review planning controls that are not explicit in TPS3, planning policy or other planning framework documents.

TPS3 contains general amenity provisions under cls 76, 77 and 86 which can only be implemented under a planning application (not a building permit application).

These clauses state as follows:

76. *Design and Construction:*

- (1) *This Clause applies to every application for planning approval with respect to a building.*
- (2) *Before the Council may approve an application for planning consent to which this Clause applies the Council shall be satisfied that:*
  - (a) *the appearance of the building will not adversely affect the character or amenity of the locality and will not clash in harmony with the appearance of adjoining or neighbouring buildings;*
  - (b) *the proposed building, addition or alteration will not have any adverse affect on the privacy of any residential property;*
  - (c) *if the proposal includes the use of reflective glass, that use will not give rise to any glare or other discomfort to the occupiers or users of any other property or to the users of any public place;*
  - (d) *all servicing areas and other parts of the land or building, which are likely to be untidy in appearance, will be completely screened from public view and from view from adjoining properties;*
  - (e) *additions or alterations to an existing building are so designed as to be sympathetic and compatible with that building.*

77. *Protection of Townscape:*

*In order to protect the existing townscape from changes of such magnitude or quality as to adversely affect the general character or amenity of the locality of a proposed development, the Council in considering an application for planning approval shall have regard to:*

- (1) *the scale and architectural form of the proposed development;*
- (2) *the materials, colours and finishes proposed to be used;*
- (3) *the scale, architectural form and the materials, colour and general appearance of the buildings in the vicinity;*
- (4) *the landform and vegetation of the locality as they affect the character of that locality.*

86. *Determination of Application:*

- (1) *In determining an application for planning approval the Council may consult with any authority which, or person who, in the circumstance, it thinks appropriate.*
- (2) *The Council having regard to:*
  - (a) *any matter which it is required by the Scheme to consider;*
  - (b) *the purpose for which the land is zoned or reserved for use under the Scheme;*

- (c) *the purpose for which the land is zoned under the Metropolitan Region Scheme;*
- (d) *the purpose for which land in the locality is used;*
- (e) *the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (f) *any statement of planning policy adopted by the Council relating to specific areas or building types;*

*may refuse to approve any application for planning approval. Where Council grants its approval, it may do so subject to such conditions as it may deem fit.*

(3) *Nothing in the Scheme which:*

- (a) *requires or enables the Council to take any particular step;*
- (b) *requires or enables the Council to consider or take into account any particular matter or thing with respect to development or with respect to an application for planning approval;*
- (c) *empowers the Council to refuse an application for planning approval on particular grounds or to approve the application subject to the imposition of conditions relating to any particular matter or thing;*

*shall in any way effect, prejudice or restrict the generality of the provisions of sub-clause (2) of this Clause.*

Planning staff have identified a number of matters where a compliant planning application may have an amenity impact on surrounding property. Without a formally adopted planning policy to require a planning application where an amenity impact is envisaged, the Town has no control over these matters (e.g. roof reflectivity or glare)

The intent of the policy is to both set standards for new development and to guide the application of discretion when assessing applications for a Building Permit to ensure the development suitably addresses the amenity provisions of TPS3 under cls 76, 77 and 86.

The proposed policy (attached) ensures that the Town's requirements are clear to owners and that the amenity and privacy of adjoining landowners is protected.

#### Example 1 - Roof Reflectivity and Glare

The issue of roof reflectivity and glare is a common concern relative to new development, but may be supported where the impacts are minimal. In some cases highly reflective roofs are not problematic to neighbours due to their design (e.g. flat roofs on second storeys) or ameliorated by existing vegetation or topographical features. The policy would provide for the Town to control the use of metal roofs with either a zincalume or Colorbond Surfsmist finish or any other finish with the same or higher reflectivity by providing for Council staff to undertake an amenity impact assessment of the proposed roof on lodgement of an otherwise complaint building permit application. This will allow officers to determine whether modifications should be made to the building application or whether a formal planning application and assessment is required. The policy is not proposed to be prescriptive in terms of requirements or assessment of roofs as this assessment is highly site-specific.

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Roof glare is not an issue addressed under the RDC and can therefore be considered as a policy as the proposal is not inconsistent with the RDC provisions.

### Example 2 - Overlooking from Non-Habitable Rooms

The RDC currently only controls overlooking from 'habitable' rooms including bedrooms, living rooms, kitchens and the like. Hallways, stairwells and bathrooms are excluded from assessment. Past experience has shown that in Claremont, this is often inadequate due to the large number of two-storey dwellings and the large sizes of houses relative to lot size.

Stairwells are often located at the minimum 'deemed to comply' side setback distance – 1.2m. Where these stairwells have large amounts of glazing they can cause a significant loss of privacy – they can be adjacent to outdoor living areas, bedroom or bathroom windows. Hallway windows are similar, allowing occupants to look across or down on neighbouring properties and often the amount of glazing to these areas is substantial.

The proposed policy would require windows to these areas to be screened or obscure glazed where it is determined that they may allow overlooking onto a sensitive area of an adjoining property.

Privacy requirements are addressed under the RDC, however this requirement may be applied as it augments the RDC as privacy provisions are not provided for non-habitable rooms under the RDC.

### Other Provisions

The other provisions raised in the policy will serve to add weight to any decisions made by planning staff as to whether a single house requires planning approval and assist determinations made under these clauses to be upheld should a SAT review result.

### **Voting Requirements**

Simple majority decision of Council required.

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

- 1. THAT Council adopt the attached draft policy *LV129 – Residential Amenity* for public consultation under clause 82(2) of Town Planning Scheme No. 3:**
- 2. That Council consider any submissions made during the consultation period prior to final adoption of the policy.**

**CARRIED(60/15)  
(NO DISSENT)**

### 13.3 CORPORATE AND GOVERNANCE

#### 13.3.1 LIST OF PAYMENT 1 - 31 MARCH 2015

<b>File Ref:</b>	<b>FIM00062</b>
<b>Attachments:</b>	<a href="#">Schedule of Payments March 2015</a> <a href="#">NAB Purchase Card Statement - February 2015</a> <a href="#">NAB Purchase Card Statement March 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>21 April 2015</b>

#### Purpose

For Council to note the payments made in March 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 \$2,080,225.61 during the month of March 2015.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,628,839.71
• Municipal Fund vouchers (39315-39329)	\$	53,004.40
• Municipal Fund direct debits	\$	375,013.97
• Trust Fund electronic funds transfer (EFT)	\$	23,367.53
• 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 March 2015, Resolution 37/15:

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

*The attached schedule covers:*

• <i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>949,150.64</i>
• <i>Municipal Fund vouchers (39303-39314)</i>	\$	<i>17,434.95</i>
• <i>Municipal Fund direct debits</i>	\$	<i>401,640.00</i>

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•	<i>Trust Fund electronic funds transfer (EFT)</i>	\$	91,383.29	
•	<i>Trust Fund vouchers</i>	\$	0.00	
				<i>CARRIED (NO DISSENT)</i>

### **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 Wood**

**THAT Council notes all payments made for March 2015 totalling \$2,080,225.61 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$</b>	<b>1,628,839.71</b>	
<b>Municipal Fund vouchers (39315-39329)</b>	<b>\$</b>	<b>53,004.40</b>	
<b>Municipal Fund direct debits</b>	<b>\$</b>	<b>375,013.97</b>	
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$</b>	<b>23,367.53</b>	
<b>Trust Fund vouchers</b>	<b>\$</b>	<b>0.00.</b>	
			<b>CARRIED(61/15) (NO DISSENT)</b>

**13.3.2 DELEGATED AUTHORITY REVIEW**

<b>File Ref:</b>	<b>COM00031</b>
<b>Attachments:</b>	<a href="#">Delegations Register</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Katie Bovell</b> <b>Governance Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>

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**Purpose**

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

**Background**

Once in each financial year the Council has a duty to review delegations that it has made. The last review was approved at the Ordinary Council Meeting of 13 October 2013.

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

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

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

**Past Resolution**

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

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

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

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

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

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

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

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

### **Discussion**

Since it was last adopted at its annual review at the Ordinary Council Meeting 15 October 2013, there has been one modification to the delegation register. Modification to DA22 was adopted at 17 March 2015 Council meeting.

### **Financial and Staff Implications**

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

### **Policy and Statutory Implications**

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

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

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

*Local Government Act 1995* Section 5.46(2).

### **Publicity**

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

### **Strategic Community Plan**

#### **Governance and Leadership**

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

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

#### **Urgency**

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

#### **Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

Moved Cr Haynes, seconded Cr Tulloch

That Council

1. Adopts the following delegations as outlined in Attachment 1 – Delegations Register
  - DA1 Affixing Common Seal
  - DA2 Appointment of Acting CEO
  - DA3 Appointment of Authorised Persons
  - DA4 Disposing of Property
  - DA5 Local Government Elections & Other Polls
  - DA6 Objection to the Rate Record
  - DA7 Power to defer, negotiate a settlement, waive or write off debts
  - DA8 Rates Record
  - DA9 Payment of Accounts
  - DA10 Tenders for Goods and Services
  - DA11 Variation to Capital Works & Operating Costs
  - DA12 Investments
  - DA21 Administration of Local Laws
  - DA22 Determination of Planning Related Matters
  - DA23 Authorisation to do things on land that is not property of the Local Government
  - DA24 Authorisation to require certain things to be done by Owner / Occupier of Land
  - DA25 Authority Relating to Building Provisions
  - DA 26 Closure of Thoroughfares
  - DA27 Control of Certain Unvested Facilities
  - DA28 Issue and Revocation of Building Orders
  - DA29 Declaration of Dangerous Dogs
  - DA30 Impounding Goods in Certain Circumstances
  - DA31 Parking and Parking Restrictions
  - DA32 Reserves under the Control of a Local Government
  - DA33 Issuing Strata Titles – Certificate of Local Government
  - DA34 Issue and Extension of Occupancy Permits and Building Approval Certificate
  - DA35 Illegal Development – Direction to Stop Work.
  
2. Authorises the affixing of the common seal under the signature of the Mayor and Chief Executive Officer to Delegation DA33.

**CARRIED BY AN ABSOLUTE MAJORITY(62/15)  
(NO DISSENT)**

## 13.4 INFRASTRUCTURE

### 13.4.1 PROPOSED TEMPORARY ROAD CLOSURE OF SHENTON ROAD – CLOSURE FROM CLAREMONT CRESCENT AND GRAYLANDS ROAD TO FACILITATE WORKS

<b>File Ref:</b>	<b>RDS/00242-02</b>
<b>Attachments:</b>	<a href="#">132kV Transmission Extent of Scope Plan</a> <a href="#">Traffic Control Diagrams</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Carl Williams (Landcorp)</b> <b>Senior Development Manager</b>
<b>Proposed Meeting Date:</b>	<b>21 April 2015</b>

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#### **Purpose**

This report recommends the temporary closure of Shenton Road, between Claremont Crescent and Graylands Road to support undergrounding of Western Power's 132kV overhead transmission lines and associated civil works. These works being delivered as part of the ongoing Landcorp's Claremont on the Park Stage 3 Works Contract (also known as Claremont North East Precinct).

#### **Background**

In accordance with the Claremont North East Precinct Structure Plan (August 2010), civil, infrastructure and landscape works need to occur concurrently to deliver development sites and streetscape. To date, Landcorp has delivered three development sites, along with new Road 2 and landscape works to Graylands Road.

On 20 November 2014, the Town of Claremont issued approval of the Stage 3 design from engineering and landscape perspectives. In March 2015, Landcorp commenced its Stage 3 Works Contract with Georgiou Group as the civil contractor. Stage 3 will see the remainder of development sites completed, Shenton Road realigned, new road 1 constructed, major infrastructure realigned and landscaping completed. The Stage 3 Works are anticipated to be complete in February 2016.

Concurrent to the Stage 3 Works, Western Power is required to undertake its own contract to underground existing 132kV transmission lines beneath the northern carriageway of Shenton Road. In conjunction with these works, Western Power is also undertaking the construction of two transition structures in Claremont Crescent and the Royal Agricultural Society's Claremont Showgrounds, abutting the rail line.

It is anticipated that the Western Power works will commence in April 2015 and be completed in October 2015.

#### **Discussion**

The proposed temporary road closure will allow for the western portion of 132kV transmission line to be constructed within the Shenton Road northern carriageway to

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the transition structure, located within Claremont Crescent. This is highlighted in the 132kV Transmission Extent of Scope Plan attached.

The works entail significant excavations (1.5m to 3m depth) around the Shenton Road/Davies Road and Shenton Road/Claremont Crescent intersections, due to the installation of three high voltage electrical cables and reconstruction of the intersection. It is noted that due to the depth of excavation, works methodology and the number of construction personnel and vehicles on-site for the duration of works, a full road closure is required to ensure the safety of the public (pedestrians and road users) and the contractor's workforce.

The above-mentioned works are a key infrastructure item highlighted within the Claremont North East Precinct Structure Plan (August 2010) and will facilitate the delivery of the project and realignment of Shenton Road.

It is anticipated construction work associated with the 132kV transmission line relocation will commence in April 2015 and be completed in October 2015. The component of these works requiring the Shenton Road temporary road closure and diversion of traffic will occur in June 2015 and be completed in August 2015 (approximately 8 weeks duration).

The road closure was presented to Administration and Executive on 8 April 2015, at which purpose of the proposal were discussed in detail. These include:

1. Public Safety – by delineating the construction site from road users and pedestrians, the potential for conflicts with construction personnel and machinery is mitigated. Therefore, a safer situation is created in comparison to temporary or partial closures (i.e. one lane).
2. Consistency of Traffic Management – by maintaining a consistent approach to traffic management, i.e. one temporary closure for a 8 week period in lieu of multiple closures and lane closures, there is a lesser risk of road user confusion and the creation unsafe traffic situations.
3. Duration – by allowing the contractors to work within a site which is delineated from the general public, not requiring ongoing changes to fencing and traffic management, the impacts on the area are likely to be minimised to the 8 week period due to an impeded work zone. Should the alternate circumstance arise, whereby traffic management is required to be staged and change on an ongoing basis, the works are likely to extend over a longer duration.

Vehicle access to/from Public Transport Authority (PTA's) "Park & Ride" car parks will be maintained throughout the works. Pedestrian access to/from PTA's "Park & Ride" car parks, Davies Road, Shenton Road and Claremont Crescent will be maintained during the works.

Prior to closure of a road pursuant to Section 3.50 of the *Local Government Act 1995*, the Local Government must give local public notice of the proposed order, within a reasonable time, giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions. A period of 21 days is considered to be a reasonable time period.

A report will be prepared for Council to consider any submissions received during the advertising period.

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A copy of the contents of the notice is to be sent to the Commissioner of Main Roads appointed under the *Main Roads Act* 1930. Written notice is to be given to Government Utility services providers, also Ambulance, Fire and WA Police Services. The owners of the residential properties and local businesses within close proximity will also be notified and invited to make a submission on the proposal.

Further to the above, Landcorp and Western Power, in consultation with the Town will advertise the works and associated traffic management via the following means:

Installation of early warning variable message signage at locations previously agreed with Administration, to notify road users.

1. Presentation at the monthly Claremont on the Park Stakeholder Forum to key stakeholders (next occurrence 22 April 2015).
2. Letterbox drop to residents and businesses on Landcorp's works update distribution list.
3. Advertisements within the local newspapers, including the Western Suburbs Weekly and The Post.
4. Updates to the Claremont on the Park "Frequently Asked Questions" section of Landcorp's website.

The Stage 3 Works Contractor's Traffic Management Plan overview was provided to Administration in March 2015. Associated Traffic Control Diagrams which identify specific signage requirements, detours, etc will be submitted by the contractor for approval following Council's endorsement to advertise (Attachment 2).

### **Past Resolutions**

Ordinary Council Meeting 2 September 2014, Resolution 152/14;

That Council pursuant to Section 58 of the Land Administration Act 1997 resolve to request the Minister to permanently close a portion (4,701 square metres) of Shenton Road Reserve (between Davies Road and Graylands Road) as shown on the attached plan.

At the OCM on 20 December 2011, Council supported the subdivision of Lot 1798 Davies Road, Lots 1 and 13936 Guger Street, Claremont (WAPC Application No. 145090) and a portion of Shenton Road, which was granted conditional approval by the WAPC on 22 February 2012. The approved subdivision will facilitate the creation of Lots 506, 508 and 509.

At the Ordinary Council Meeting (OCM) on 2 December 2008, Council adopted the North East Precinct Structure Plan, which was later endorsed by the Western Australian Planning Commission (WAPC) in June 2010. Implementation of the Structure Plan includes the realignment of a portion of Shenton Road, which in turn requires the associated closure of the existing portion.

### **Financial and Staff Implications**

The planning and implementation of the Claremont on the Park project are a considerable draw on the time of Town's officers.

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## **Policy and Statutory Implications**

*Local Government Act 1995, Section 3.50.*

### **Publicity**

The *Local Government Act 1995* requires that before Council consider closure of the subject road, the local government is to give local public notice of the proposed order and invite submissions. A copy of this notice is to be sent to the Commissioner of Main Roads.

Landcorp will undertake additional means of advertisement to key stakeholders, residents, local businesses and the general public.

## **Strategic Community Plan**

### **Liveability**

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

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Maintain and upgrade infrastructure for seamless day to day usage.

### **Governance and Leadership**

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

- 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**

It is anticipated construction work associated with the 132kV transmission line relocation and associated civil works will commence in April 2015 and be completed in October 2015.

The temporary road closure and diversion of traffic associated with these works are proposed to occur in June 2015 and be completed in August 2015 (circa 8 weeks duration).

### **Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Browne**

**That Council:**

- 1. Pursuant to Section 3.50 of the *Local Government Act* 1995, give notice of the proposal to temporarily close Shenton Road between Claremont Crescent and Graylands Road;**
- 2. Undertake further advertising to key stakeholders, residents, local businesses and the general public in accordance with this report; and**
- 3. Receive a report following closure of the 21 day notice period to consider any submissions.**

**CARRIED(63/15)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker, Cr Wood and Cr Haynes commended staff on the Concert in the Park.

**15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15.1 MOTION – CR TULLOCH****Author: Cr Alastair Tulloch****Proposed Meeting Date: 21 April 2015**

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**Moved Cr Tulloch, seconded Cr Browne****THAT**

- 1. In accordance with the requirements of the Dog Act council give 28 days notice of its intention to consider**
  - 1.1. The area of Lake Claremont Parkland now designated 'dog exercise area' (corner Alfred Road and Davies Road) be extended to the south at Lakeway Street.**
  - 1.2. The area of parkland starting adjacent to Elliott Road (known as the 'old par 5') be designated as a dog exercise area, ending at a northern point near the playground and BBQ area.**
  - 1.3. Creswell Park be designated a dog exercise area except for the cricket wicket areas.**
  - 1.4. Designated dog exercise areas not be fenced.**
  - 1.5. All signage be reviewed to be clear about approved areas and dog owner responsibility for control of pets in exercise areas.**
- 2. Council consider any public submissions prior to final consideration of the adoption of the proposed changes to Dogs in Public Places policy (LV127).**

**Reasons.**

1. To respond to concerns from dog owners about providing access to adequate areas of parkland for dog exercise areas.
2. To recognise that there are some 400 dogs licensed by the Town and that there should be adequate exercise areas.
3. To clarify Council's previous decision about Creswell Park (the website states it is a dog exercise area while signage says it is not).
4. To clarify the dog owners' responsibility to control their pets in a dog exercise area.

**Officer Comment:**

*In November 2013 the Dog Amendment Act removed a local government's ability to make local laws in respect to dog exercise areas and prohibited areas. The Town was required to prepare and adopt a policy effective from 31 July 2014 to ensure enforcement and management of dog's behaviour within the public realm. Council adopted its Dogs in Places policy (LV127) on 5 August 2014.*

*Amendment to dog exercise and prohibited areas are now effected by amendment to the Policy, however prior to adopting any amendment the Town is required to give 28 days notice of its intention, and invite public submissions.*

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*Once adopted, the Town is required to inform the public of the new arrangements through appropriate signage installed at relevant public places, on the Town's website, and on the Town's noticeboards.*

*The upgrade of the playground area in John & Jean Mulder Park is an attraction and has proved to be a popular family picnic area and heavily used playground for children. This area dissects the two areas proposed; extension of the existing exercise area south to Lakeway Street and inclusion of the 'Par 5' area north to the playground. This may place the playground in conflict with off-lead dogs moving between the two-off lead areas.*

*Cresswell Park is a designated dog exercise area except for the wicket area.*

*Any increase in exercise areas will require additional signage which clearly demarcates on-lead areas from dog exercise (off-lead) areas. Equally, additional resources may be required in educating, monitoring, and responding to complaints should the increase lead to greater areas of conflict between users.*

#### **MOTION FOR EXTENSION OF TIME TO SPEAK**

**Moved Cr Browne, seconded Cr Goetze**

**That Cr Tulloch be given an extension of time to speak.**

**CARRIED(64/15)  
(NO DISSENT)**

#### **MOTION FOR EXTENSION OF TIME TO SPEAK**

**Moved Cr Browne, seconded Cr Lorenz**

**That Cr Wood be given an extension of time to speak.**

**CARRIED(65/15)**

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

Against the Motion: Crs Goetze and Tulloch.

#### **MOTION TO DEFER**

**Moved Cr Lorenz, seconded Cr Wood**

**That the item be deferred back to Administration.**

Reason: To allow time for a proper report to be compiled to take into consideration possible uses for the parkland.

**CARRIED(66/15)**

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

Against the Motion: Crs Tulloch, Goetze and Browne.

**15.2 MOTION – CR GOETZE****Author: Cr Jill Goetze****Proposed Meeting Date: 21 April 2015**

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**Moved Cr Goetze, seconded Cr Wood****That the Chief Executive Officer prepare a report on painting the Stirling Road underpasses with anticipated costs, funding options and possible timelines.**

Reasons:

- The underpass is long overdue for repainting
- Claremont needs a new entry statement for people entering from the north
- significant developments associated with the NEP should be matched with an improved appearance of the underpass
- Claremont is investing in significant street art and this site should be part of this art scene.

Officer Comment:

*The Town has recently facilitated a number of urban artworks through a partnership with FORM (an independent NGO that works to build a state of creativity in WA). This has been part of a cultural festival called Arty April, which aims to encourage and develop creativity in the community and support local economic development.*

*These murals are located within the town centre and its outskirts, and have transformed four ordinary walls into interesting, welcoming and inspiring works of art. Whilst the works have only just been completed, they are already receiving positive praise and comment from the public, which is often associated with this type of creative endeavour.*

*The Stirling Road vehicle underpass was artistically painted several years ago, and has reached the end of its lifespan (typically five years is the average lifespan for outdoor murals). Considerations for this project include; road closure costs and timing (being mindful of the current Claremont on the Park works), artists costs and process for selection.*

**CARRIED(67/15)  
(NO DISSENT)**

**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****17.1 CORPORATE AND GOVERNANCE****MOTION TO CLOSE DOORS****Moved Cr Haynes, seconded Cr Browne**

**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(68/15)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 8:04 PM.*

*Mayor Barker reconvened the meeting at 8:05 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 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 David Vinicombe (Executive Manager Planning and Development)****Mr Saba Kirupanather (Executive Manager Infrastructure)****Ms Katie Bovell (Governance Officer)**

**17.1.1 EXPRESSIONS OF INTEREST - LOT 151 CLAREMONT CRESCENT.**

**File Ref:** COP00032  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Brian Kavanagh  
Manager Strategic Projects  
**Proposed Meeting Date:** 07 April 2015

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The following item was considered in closed session.

**MOTION TO DEFER**

**Moved Cr Haynes, seconded Cr Goetze**

**That the item be deferred back for Chief Executive Officer to undertake negotiation of sale of Lot 151 Claremont Crescent.**

Reason: To enable the Chief Executive Officer to negotiate the sale of the lot with proponents and report back to Council with recommendation.

**CARRIED(69/15)  
(NO DISSENT)**

**MOTION TO PROCEED WITH OPEN DOORS**

**Moved Cr Haynes, seconded Cr Goetze**

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

**CARRIED(70/15)  
(NO DISSENT)**

*The meeting proceeded with doors open at 8:14 PM.*

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

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 5 May 2015.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 8:15 PM.

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

**PRESIDING MEMBER**