



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 3 MARCH, 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
3 MARCH, 2015
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE

Mayor Barker

| | |
|----------------------------|-------------------|
| Cr Peter Browne | West Ward |
| Cr Peter Edwards | West 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 Kirupanather (Executive Manager Infrastructure)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

Four members of the public

Two members of the press

APOLOGIES

Cr Jill Goetze (Leave of Absence)

Cr Karen Wood (Leave of Absence)

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 Ainslie de Vos, 8A Victoria Avenue, Claremont.****Re: Item 13.1.3, Lot 13 (25) Queenslea Drive, Claremont - Proposed Additions and Alterations to Bethesda Hospital.**

Ms de Vos spoke against the proposed development application.

Dr Neale Fong, Bethesda Hospital, 25 Queenslea Drive, Claremont.**Lot 13 (25) Queenslea Drive, Claremont - Proposed Additions and Alterations to Bethesda Hospital.**

Dr Fong spoke in favour of the proposed development application.

7 APPLICATIONS FOR LEAVE OF ABSENCE**7.1 APPLICANT: CR EDWARDS****Moved Cr Kelly, seconded Cr Lorenz****That Cr Edwards be granted Leave of Absence for Ordinary Council Meetings of 17 March 2015, 7 April 2015, and 21 April 2015 inclusive.****CARRIED(22/15)
(NO DISSENT)****8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**Moved Cr Browne, seconded Cr Mews****That the minutes of the Ordinary Meeting of Council held on 17 February 2015 be confirmed.****CARRIED(23/15)
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC**

Item 17.1.1 Chief Executive Officer Remuneration 2015.

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETINGNIL

12 REPORTS OF COMMITTEES

NIL

13 REPORTS OF THE CEO

13.1 PLANNING AND DEVELOPMENT

Items 13.1.1 to 13.1.2 were carried en bloc.

13.1.1 LOT 7 (80) SHENTON ROAD, SWANBOURNE - RETROSPECTIVE APPROVAL FOR OUTBUILDING

| | |
|----------------------------------|--|
| File Ref: | A-3500/DA-2014.00229 |
| Attachments – Public: | Location and Submission Plan Photograph |
| Attachments – Restricted: | Plans Submission |
| Responsible Officer: | David Vinicombe Executive Manager Planning and Development |
| Author: | Josh Wilson Urban Planner |
| Proposed Meeting Date: | 03 March 2015 |
| Date Prepared: | 16 February 2015 |
| 60 Days Due Date: | 25 January 2015 |
| Property Owner: | Thomas and Peta Scott-Morey |
| Submitted By: | Thomas and Peta Scott-Morey |
| Area of Lot: | 756m² |
| Zoning: | Residential |
| Enabling Legislation: | <i>Planning and Development Act 2005 (PDA)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Residential Design Codes (RDC)</i> |

Summary

- Retrospective application received for an outbuilding in the front setback of a heritage listed property.
- Application is identical to an application previously approved by Council in 2008.
- Seven neighbours were consulted and one submission was received.
- Application is recommended for approval in line with Council's previous determination.

Purpose

For Council to consider a retrospective application for an outbuilding within the front setback of the subject site.

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

Background

The following table outlines key dates regarding this proposal:

| Date | Item/Outcome |
|------------------|--|
| 2 July 2014 | Compliance issue raised by concerned resident. |
| 11 July 2014 | Owner advised that a retrospective planning and building approval is required for the development (outbuilding). |
| 26 November 2014 | Planning Application received by Council. |
| 3 December 2014 | Application undergoes internal DCU assessment. |
| 15 December 2014 | Advertising commenced. |
| 9 January 2015 | Advertising closed. |
| 16 February 2015 | Report prepared for Council. |

Past Resolutions

Ordinary Council Meeting 20 May 2008, Resolution 131/08:

Council resolved to approve an identical outbuilding in the front setback of the subject site. One submission was received in response to this application, from Scotch College, being the owner of the immediately adjacent property advising that they supported the proposal. No Building Permit was obtained for the proposed shed and the Planning Approval expired in May 2010.

In July 2014 the Town was advised that the outbuilding was being constructed and a nearby resident asked if the outbuilding had Council approval. As a Building Permit wasn't obtained and construction wasn't commenced within two years the planning approval is no longer valid. The Town requested that the owner of the subject site submit an application for retrospective approval.

Heritage

The property is listed in the Town of Claremont Local Government Inventory and the TPS3 Heritage Schedule as a standalone property with a 'C' Management Category. The proposal was referred to the Town's Heritage Officer for assessment. It is advised that the proposal is supported subject to the proposed decorative detail on the shed gables not being identical to that of the existing dwelling. Any approval should be conditioned to require a 'simplified' decorative gable design that is sympathetic to the existing dwelling and carport however does not mimic the design.

Consultation

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

Seven neighbours were consulted and one objection was received. A summary of the submission is provided as follows:

| Submissions Received | | |
|--|--|--|
| Address: | 10A Australind Street | |
| Submission | Applicant Comment | Officer Comment |
| Shed is approximately 60% complete but should not be considered a 'fait accompli'. | Did not realise the original approval had expired. | Retrospective applications are considered in accordance with the planning requirements at the time of the application and on their merits as per regular applications. |

| | | |
|---|--|---|
| Totally against the proposal as it is only 0.6m from the front and side boundaries. | This distance is the same as was approved by Council in 2008. | The impact on the streetscape is negligible given the existing 2.0m high front fence. An assessment against the Design Principles of the RDC is discussed further in this report. |
| The Council should conform with its own rules and guidelines as this will create a precedent for people to do whatever they like. | No comment. | TPS3 and the RDC allow Council the discretion to consider variations to the requirements where the proposal satisfies the objectives of the Scheme and the Design Principles of the RDC. An assessment against the relevant criteria is discussed further in this report. |
| There is ample room on the property to build a shed that complies with the setback requirements. | The swimming pool at the rear of the yard means it is not possible to have a garden shed at the rear of the property as usual. | There are limited options for locating a storage shed elsewhere on the property due to existing structures and trees. |

A full copy of the submission is attached to this report.

Discussion

Description

The application proposes to construct a 3.0m by 5.0m garden shed in the front corner of the property.

The applicant proposes to fit the shed with a timber gable facing the street to match the existing heritage listed dwelling and more recently constructed carport. The timber gable will be visible from Shenton Road above the existing 2.0m high rendered brick front fence.

The proposal is identical to the plans approved by Council in 2008.

Retrospective Applications

Development that has commenced prior to the granting of planning approval is deemed retrospective. Retrospective applications cost three times the standard application fee and Council has the ability to prosecute under the *Planning and Development Act 2005*.

Prosecution is not recommended in this case due to the minor nature of the offence and because the development, which is roughly 50% complete, was previously approved by Council.

Compliance

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

- RDC cl.5.1.3 – Side boundary setback of 0.6m in lieu of 1.0m.

- RDC cl.5.4.3 – Outbuilding within the front setback area.

The 'Design Principles' for cl.5.1.3 of the RDC states the following:

"P3.1 Buildings set back from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties."*

The adjoining property to the east is owned by Scotch College and has a 1.8m timber picket fence and well established garden bed adjacent to the outbuilding's location. The outbuilding is not highly visible from this property and will have no negative impact by way of building bulk, access to light or loss of privacy.

The 'Design Principles' for cl.5.4.3 of the RDC states the following:

"P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

As the majority of the outbuilding is screened behind a solid 2.0m front fence it will have minimal impact on the streetscape and visual amenity of the area in this instance. The front gable, which will be visible above the fence is proposed to be clad and detailed to be compatible with the gable of the existing dwelling - modified as recommended by the Town's Heritage Officer.

Being consistent with Council's previous consideration of the proposal, it is considered that the outbuilding will not adversely impact on the amenity of the streetscape or the immediately adjacent properties and can be supported.

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 Edwards, seconded Cr Mews

THAT Council grant retrospective planning approval for an outbuilding at Lot 7 (80) Shenton Road, Swanbourne, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2014.229).**
 - 2. The gable detailing on the outbuilding is to be a simplified version of the gable on the dwelling with details to be submitted and approved as part of the Building Permit application.**
 - 3. As this approval is retrospective, the decorative gable is to be installed within three months of the date of approval.**
 - 4. The roof colour of the outbuilding is to match the existing dwelling.**
-

5. All storm water is to be retained on the site.
6. This approval is valid only if the development is commenced within 24 months of the date of approval.

Advice Notes:

- i) A Building Approval Certificate application is to be submitted for all work deemed retrospective. To support this application a private building surveyor will be required to issue a Certificate of Building Compliance and include all supporting documentation. The application is to be submitted within 30 days of this approval.
- ii) This property is listed on the Town of Claremont's Heritage Schedule and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires planning approval and the application may be referred to the Heritage Council.
- 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 within 28 days of this determination.

**CARRIED(24/15)
(NO DISSENT)**

13.1.2 LOT 1 (240) STIRLING HIGHWAY, CLAREMONT - PROPOSED SIGNAGE FOR 'DB DENTAL'

| | |
|----------------------------------|--|
| File Ref: | A-3644 and A-3645/DA2015.00011 |
| Attachments – Public: | Location Map Photograph |
| Attachments – Restricted: | Plans |
| Responsible Officer: | David Vinicombe Executive Manager Planning and Development |
| Author: | Josh Wilson Urban Planner |
| Proposed Meeting Date: | 03 March 2015 |
| Date Prepared: | 12 February 2015 |
| 60 Days Due Date: | 22 March 2015 |
| Property Owner: | Suzanne Bailey |
| Submitted By: | Robert MacDougall |
| Area of Lot: | 1,000m² |
| Zoning: | MRS – Primary Regional Road Reserve TPS3 – Highway |
| Enabling Legislation: | <i>Planning and Development Act 2005 (PDA)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Local Law Relating to Signage (LLRS)</i> |

Summary

- Application for planning approval received for a pylon sign.
- Proposal complies with all Council requirements.
- Neighbour consultation was not required as the proposal is compliant.
- Application is recommended for approval, subject to relevant conditions.

Purpose

The application proposes a pylon sign facing Stirling Highway on the subject site. The application requires the Council's determination due to the commercial nature of the proposal.

Background

The following table outlines key dates regarding this proposal:

| Date | Item/Outcome |
|------------------|--|
| 21 January 2015 | Planning Application received by Council. |
| 28 January 2015 | Application undergoes internal DCU assessment. |
| 28 January 2015 | Additional information requested from applicant. |
| 30 January 2015 | Additional information received from applicant. |
| 13 February 2015 | Report prepared for Council. |

Past Resolutions

Ordinary Council Meeting 4 February 2014, Resolution No. 4/14:

At this meeting Council approved external and internal alterations to the existing building on the site to combine two consulting room tenancies into a single tenancy.

Heritage

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

Consultation

Public Consultation

In accordance with Council Policy LG525 Advertising of Planning Applications the Town did not advertise the proposal to adjoining owners as the proposal is minor in nature and compliant with the requirements of TPS3 and LLRS.

Metropolitan Region Scheme (Main Roads Referral)

The site is located partially within a Metropolitan Region Scheme (MRS) reserve for 'Primary Regional Road' (PRR). Under the Planning and Development Act (PDA) MRS Instrument of Delegation (Del 2011/02), the Council has delegated authority to approve development within or adjacent to the Stirling Highway MRS reservation subject to any decision being consistent with the comment and recommendation of Main Roads WA (MRWA).

The application has been referred to MRWA for comment. MRWA advised that they have no objection to the proposed additions and alterations subject to the following conditions:

- The sign structure is to be placed on private property and shall not overhang or encroach upon the road reserve.
- Main Roads agreement is to be obtained prior to any modifications.
- If illuminated it must be of low-level not exceeding 300cd/m² not flash, pulsate or chase.
- The device shall not contain fluorescent, reflective or retroreflective colours or materials.
- The type of sign and location must comply with all relevant by-laws and planning scheme made by Council.
- No other unauthorised signage is to be displayed.

Discussion

Description

The application proposes a pylon sign measuring 1.2m wide by 1.8m high mounted on top of a 4m high pylon and set back 1.2m from the front lot boundary. The sign will display the businesses logo/name.

Compliance

The development complies with the TPS3, RDC, Council Policy and Local Laws, namely the requirements for 'pylon signs' under cl.31 of the LLRS.

The setback of the sign to the side boundary is uncertain however will be in excess of the 1.8m minimum setback required under cl.31.

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 Edwards, seconded Cr Mews

THAT Council grant planning approval for a proposed pylon sign at Lot 1 (240) Stirling Highway, Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.11), as amended by these conditions.**
- 2. The sign is to be located no less than 1.8m from the side boundary of the lot.**
- 3. The sign is to comply with the requirements of Main Roads WA.**
- 4. 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.**
- 5. This approval is valid only if the development is commenced within 24 months of the date of approval.**

Advice Notes:

- i) A Sign Licence is to be obtained from the Town's Building Services Unit prior to the erection/installation of any signage.**
 - ii) In regards to condition 3 above, the sign is to comply with the following requirements of Main Roads WA:**
 - o The sign structure is to be placed on private property and shall not overhang or encroach upon the road reserve.**
 - Main Roads agreement is to be obtained prior to any modifications.**
 - If illuminated it must be of low-level not exceeding 300cd/m² not flash, pulsate or chase.**
 - The device shall not contain fluorescent, reflective or retroreflective colours or materials.**
 - The type of sign and location must comply with all relevant by-laws and planning scheme made by Council.**
 - No other unauthorised signage is to be displayed.**
 - 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 within 28 days of this determination.

**CARRIED(24/15)
(NO DISSENT)**

13.1.3 LOT 13 (25) QUEENSLEA DRIVE, CLAREMONT - PROPOSED ADDITIONS AND ALTERATIONS TO BETHESDA HOSPITAL

| | |
|-------------------------------------|---|
| File Ref: | A-2193 |
| Attachments – Public: | Location and Submission Plan Photograph |
| Attachments – Restricted: | Plans Submission Transport Statement & Parking Assessment |
| Responsible Officer: | David Vinicombe Executive Manager Planning and Development |
| Author: | Julia Kingsbury Manager Planning |
| Proposed Meeting Date: | 3 March 2015 |
| Date Prepared: | 18 February 2015 |
| Planning Application Number: | DA 2014.00103 |
| 60 Days Due Date: | 11 August 2014 |
| Property Owner: | Bethesda Hospital Inc. |
| Submitted By: | Town Planning, Urban Design and Heritage |
| Area of Lot: | 12,151m² |
| Zoning: | Special Use – Restricted Zone and MRS Reserve for Parks and Recreation |
| Financial Implications: | Nil |
| Enabling Legislation: | <i>Planning and Development Act 2005 (PDA)</i> <i>Town Planning Scheme No. 3 (TPS3)</i> <i>Residential Design Codes (RDC)</i> <i>Freshwater Bay Escarpment Local Law (Local Law)</i> |

Summary

- Application for planning approval received for proposed additions and alterations to the Bethesda Hospital at the subject site.
- 29 neighbours were consulted and one submission was received.
- Application has previously been deemed refused, however the applicant has requested that Council extend the 60 day consideration period and formally determine the application.
- Application is recommended for approval, subject to relevant conditions.

Purpose

The application proposes additions and alterations to the existing Bethesda Hospital at the subject site.

The application requires the Council's determination due to the commercial nature of the proposal.

Background

The following table outlines key dates regarding this proposal:

| Date | Item/Outcome |
|------------------|--|
| 12 June 2014 | Planning Application received by Council. |
| 18 June 2014 | Application undergoes internal DCU assessment. |
| 1 July 2014 | Advertising commenced. |
| 17 July 2014 | Advertising closed. |
| 21 November 2014 | Town advised applicant that application has been deemed refused. |
| 22 January 2015 | Applicant requests extension to 60 day consideration period to formally determine application. |
| 23 February 2015 | Briefing session of Council. |
| 25 February 2015 | Report prepared for Council. |

Past Resolutions

Ordinary Council Meeting, 6 August 2002, Resolution 307/02:

That Council:

1. *Recommend to the Western Australian Planning Commission that approval be granted for the proposed upgrade of Bethesda Hospital, 25 (Lot 13) Queenslea Drive, Claremont - subject to:*
 - 1.24 *A total of 194 car bays to be provided for the use of the hospital.*

CARRIED

Ordinary Council Meeting, 15 April 2014, Resolution 51/14:

THAT Council advise the Western Australian Planning Commission that it supports the proposed upgrade and extension of the existing car parking area at Bethesda Hospital at Lot 13 (25) Queenslea Drive, Claremont subject to the following conditions and advice notes:

1. *Car parking bays, internal driveways and vehicle manoeuvring areas to be designed in accordance with AS2890-2004 parking facilities.*
2. *All storm water is to be retained on the site. Details are to be provided with the application for a building permit.*
3. *The approved landscaping including the provision of a minimum of one shade tree for every four car parking bays being installed to the satisfaction of the Town of Claremont and thereafter maintained to a high standard.*
4. *Access to the proposed car park extension through the adjacent site at 4 Victoria Avenue, Claremont and shared parking arrangements being formalised by way of a parking and access agreement to the satisfaction of the Town of Claremont.*
5. *A construction and parking management plan for tradespersons and deliver vehicles is to be prepared and submitted to the Town of Claremont for approval, prior to the issue of a Building Permit.*

6. *Landscaping to the south of the car parking area to maintain suitable public access to the satisfaction of the Swan River Trust and Western Australian planning Commission.*

LOST

Reason

The proposal does not satisfy appropriate environmental or land-use standards for the river foreshore, will inhibit pedestrian access along the foreshore and accordingly is an inappropriate use of the Regional Reservation for Parks and Recreation.

It is noted that following a similar recommendation for refusal by the Swan River Trust, the Ministers for Planning and the Environment met and determined in favour of the proposal.

Heritage

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

Consultation

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

29 neighbours were consulted and one submission was received. A summary of the submission has been provided as follows:

| Submissions Received | | |
|---|--|---|
| Address: | 4C Victoria Avenue, Claremont | |
| Submission | Applicant Comment | Officer Comment |
| <p>We have no objection to this development.</p> <p>We have a general concern in regards to potential noise, traffic and pollution impacts during construction.</p> | <p>Noted.</p> <p>Development will be in accordance with an approved construction management plan detailing how the construction of the development will be managed to minimise the impact on the surrounding area in relation to noise, timeframes, construction vehicle access and parking.</p> | <p>Noted.</p> <p>Any approval will be conditioned to require the submission of a Construction Management Plan to be approved by the Town prior to the issue of a Building Permit.</p> |
| <p>The plans state that Bethesda Lane is not used for staff parking however we understand Bethesda has been given sole use of nine of the car bays.</p> | <p>An agreement between Bethesda and Town provides for the dedicated use by Bethesda for eight car bays within the Bethesda Lane car park. These bays are signposted accordingly. This application does not seek to change this current arrangement.</p> | <p>Noted</p> |

A full copy of the submission is attached to this report.

Metropolitan Region Scheme Metropolitan Region Scheme

The site is partially located within the Swan River Trust (SRT) Development Control Area (DCA) therefore in accordance with cl.30A(2)(a) the application must be referred to the Western Australian Planning Commission (WAPC) for determination under the Metropolitan Region Scheme (MRS). The WAPC is required to refer the application to the SRT for its consideration and the WAPC is required to determine the application in a manner consistent with SRT's advice. In the event that the SRT and the WAPC decisions are inconsistent, the proposal is to be determined by the Minister for Environment and the Minister for Planning.

As the land is also zoned under TPS3, the application requires a dual approval by Council and the WAPC.

On 21 November 2014, Council's solicitors wrote to the applicant's solicitors to advise that the application had been deemed refused by virtue of cl.88(1) of TPS3.

Notwithstanding the Town's deemed refusal, the WAPC issued a conditional planning approval under the MRS for the proposed additions and alterations on 17 December 2014.

Given the inconsistency of the two decisions above, the applicant has requested that Council formally consider determination of the application.

Discussion

Description

The proposal includes a three level addition at the rear of the hospital to accommodate:

- Two new theatres and prep rooms
- A new recovery room accommodating four new bays
- New staff amenity areas including change room facilities and staff lounge
- An administration and storage area and
- New mechanical plant room areas.

The Hospital currently has 68 overnight beds across two wards, seven operating theatres, holding and recovery bays.

The Town has been advised that the additions are proposed as a result of the increase in demand for theatre capacity. The applicant has advised that the existing theatres are at 95% capacity, however due to reduced recovery times, bed capacity is only at 57%.

It is not proposed to increase the number of overnight beds or the number of employees (see further discussion on this matter below).

Land Use

The site is zoned under the TPS3 for 'Special Zone – Restricted Use' and a portion of the site is reserved under the MRS for Parks and Recreation. As detailed in Appendix VII of TPS3, the permitted use of the subject site is for a Hospital not exceeding 77 beds, operating theatre, radiology and physiotherapy facilities. The proposed additions and alterations are considered to be consistent with the permitted use of the site and can be supported.

Compliance

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

- Freshwater Bay Escarpment Local Law - Height of Buildings
- RDC Setbacks for R15

Note - see comments below on parking compliance.

Setbacks

Table 2 of TPS3 states that building setbacks for a hospital development are to comply with the RDC for R15. The development proposes an eastern boundary setback that is generally consistent with the existing hospital building. A portion of the addition (ground floor level corridor) extends closer the eastern boundary between nil and 0.3m. If the RDC is to be used to calculate side setback requirements, the 'deemed-to-comply' setback from the eastern boundary would be 10-13m (due to wall length and height). The proposed setbacks are considered to be acceptable as they suitably address the 'design principles' applying setback requirements as follows:

- The proposed setbacks will not adversely contribute to the building's bulk as the addition is generally in line with the existing building (with the exception of the ground floor which protrudes out from the main building line). This will assist in breaking up the length of the facade and articulate the building.
- The adjacent Claremont Yacht Club is not residential nature and therefore there are no outdoor living areas or major openings to consider.
- The proposed addition will not have an adverse impact on the adjacent property in respect to overshadowing, access to light or protection of privacy.
- Given that the bulk of the extension is located to the rear of the site, behind existing vegetation and below the existing hospital, it will not have an adverse impact on the streetscape.

It is noted that the proposed development encroaches into the SRT DCA setback from the rear boundary of the site. The SRT and WAPC have supported this minor variation.

Building Height

The addition proposes a maximum building height of 15.88m (calculated in accordance with the Local Law). Cl.40 and cl.50(2) of TPS3 do not prescribe a building height for the Special Use – Restricted Site zone, however the Freshwater Bay Escarpment Local Law of 14 July 2000 (Local Law) does apply height

restrictions to the site. This Local Law supersedes the former By-law 123 addressing heights of buildings on the escarpment.

Under the Local Law the distance from the underside of the footings of any building or structure to the top of that building or structure immediately above such part shall not exceed 2.4m and no point of any part of any building or structure shall be more than 1m above the natural surface of the land beneath such part. The proposed addition does not comply with the Local Law. The Local Law itself does not provide any power to vary the permitted height.

Cl.6 of TPS3 states that *“the provisions of the Scheme shall have effect, notwithstanding any By-law for the time being in force in the District, and where the provisions of the Scheme are inconsistent with the provisions of any By-law the provisions of the Scheme shall prevail.”*

The Town and the applicant have sought legal advice on the above matter. Essentially the legal advice revolves around the semantics of what is considered to be an “inconsistency” between the Local Law and the Scheme. In this regard, the two legal interpretations are unclear.

The applicant’s legal advice states that as there is no height restriction under TPS3, the Local Law is inconsistent with the Scheme as the Local Law does limit the height. Therefore the Scheme prevails over the Local Law to the extent that no provisions on height apply under either scenario. The Town’s legal advice indicates that the two requirements can exist separately and accordingly they are not inconsistent.

The Town’s solicitors do however acknowledge that the interpretation is not beyond doubt and concludes that as the matter of inconsistency is not clear, the Town may consider the development on its individual merits having consideration for the rationale (or objectives) behind the Local Law and the surrounding locality.

Whilst the Local Law does not make clear its objective, it does seek to reduce height impact of development on and immediately adjacent to the Freshwater Bay Escarpment (as does the Scheme in relation to the adjacent 6m otherwise) and cl.50 applies By-law 123 requirements (consistent with the Local Law).

The applicant has provided the following justification in response to the proposed height of the addition:

- The proposed development does not result in excessive bulk or scale given that it represents a horizontal extension of the existing building envelope (east of the existing building), with no development proposed above the height of the roof line of the existing hospital building.
- The development represents a logical and efficient extension to the existing hospital, designed and located in a manner which minimises any perceived impacts on adjacent residential areas.
- The development does not adversely impact on the Claremont Yacht Club given that the areas of the CFC adjacent to the proposed development primarily consist of vehicular access and service areas.

- The development will not adversely impact on the amenity or environmental values of the foreshore with the height of the development one floor lower than the existing hospital building.

In addition to the above, it is noted that the height of the extension extends approximately 15.88m (directly above the ground level as calculated by the applicant or 17.2m above natural ground level at a height measured consistent with cl.40), compared to the existing building located 4m behind at an additional height of approximately 2m.

Accordingly, whilst clearly over height when compared to the Local Law standards, the addition is relatively minor in regards to the existing building and the addition is not considered to have an adverse impact on the foreshore or the view of the building from the river. Having consideration for the development on its individual merits it is considered that the proposal including the proposed height is acceptable and can be supported in this instance.

Car Parking and Traffic

The hospital currently has the following car parking:

- 90 visitor bays (Queenslea Drive Car Park)
- 142 staff parking bays – 58 basement, 13 bays near foreshore (proposed to be extended by a further 27 bays), 16 reciprocal bays at Claremont Yacht Club, 8 bays in Victoria Avenue cul-de-sac and 20 bays at Times Square.
- 17 Doctor bays (5 Queenslea Drive car park and 12 basement)
- 2 set down bays (Queenslea Drive car park).

This provides a total of 251 bays with 207 being on-site and 44 off-site exclusive (28) or reciprocal (16) by arrangement.

It is noted that the hospital currently has 20 day beds. The proposal does not alter the number of day beds, although additional holding and recovery bays are proposed for each theatre to address legislative requirements.

When Council considered the previous application for upgrades to the hospital on 6 August 2002, the report indicated that the 20 day rooms (beds) are recovery rooms for use after day surgery and are not overnight beds. The report also indicated that since the 1988 scheme amendment, the nature of hospital service has changed with more emphasis on day surgery. It was acknowledged for the purposes of that application that the day surgery rooms (beds) should not be counted as beds for the purpose of the Special Use zone restrictions (or included in the parking calculations) as the intent of a “bed” is where the patient stays overnight. It is therefore arguable that for the purposes of this application that, consistent with the previous application, if the day beds are not beds for the purpose of bed restrictions under the Scheme, then they should not add a further parking demand under TPS3.

TPS3 requires one car parking bay per patient bed plus one car parking bay per employee. It is advised that staff peak is generally 2pm weekday – at this time it is estimated that on average the number of staff is approximately 130.

It is noted that Bethesda made a presentation on the proposed development to a Council briefing on 23 February 2015. During that meeting, the staffing numbers were queried as it was estimated that each additional theatre (two) would require additional staff (estimated to total 22). Council was advised that the hospital currently employs approximately 350 staff; however this converts to 174 full time equivalent staff members. The claim that no additional staff will result from the proposed development acknowledges that existing staff will service the expansion of the hospital by extended shifts. In response to this Bethesda were requested to provide a categorical statement on the number of existing staff at any one time at the present and following the expansion. The following response was provided:

"I understand you're intention for a simple statement, regrettably, as per prior correspondence it is really not that simple. Please note we have never tried to indicate that there would not be more busier days or higher volumes of staff that present on occasion and had portrayed this very clearly to Transcore, who's report does reference the additional 27 parking bays being developed (I have attached the plans showing the approved foreshore parking layout with their being 40 bays included on Bethesda's land, noting there are 13 existing at present).

That said, to provide some figures to assist:

- *Currently maximum Bethesda Hospital employees on-site at any one point is approx. 160. Our records indicate that this only happened on 4 occasions in 2014 and these only occur for less than 5 minutes in each instance. The reason I have said approx. is we don't record which staff were working from home on a particular day and we also have a Palliative Care Ambulatory program where the majority of the staff who are recorded on the rostering system are based in the community and not on-site.*
- *We anticipate this could increase to 175 by 2020. However we highly expect many other factors to have influence on services over this time including:*
 - *As an example Ophthalmology (eye surgery) is no longer being undertaken at Bethesda from late-2014 (which was able to be undertaken in a small theatre) and health funding changes which we need to respond to are likely to continue to push high volume short stay patients to other day-hospital facilities.*
 - *The existing Palliative care ambulatory service is expected to move off-site in the coming 12 months... (and there is a possibility that there may be further changes to this service over the next five years).*
- *The underpinning reality is that the additional 2 theatres have been modelled to "ramp-up" over 6 years and are simply about ensuring the infrastructure profile is efficient and sustainable. With respect to parking and considerations for the longer term we have actively purchased additional assets (1, 3, 5 Victoria Avenue), development application (Foreshore parking), commercial (Times Square) and looked at other options (Queenslea Drive verge parking, car stackers in cul-de-sac and*

underground) to ensure we have a number of diverse options that will see us able to respond to changes. There is a significant reality that like many businesses, demands are influenced by external factors and factors that rapidly change (i.e. Health funding structures, government contracts, legislation, and other health facilities activities) and the best we can do is position ourselves with options to respond to these changes as they occur.”

Bethesda has also advised that it has the ability to increase parking capacity at Times Square should the predicted/planned demand by the Hospital exceed predictions and implement a ‘car-stacker’ solution to the underground car park which could quickly respond to capacity demand (14 bays).

Whilst there may be some final flexibility in staff numbers which will result from the above variables, the fact is that TPS3 bases its parking requirement for the hospital on the number of beds and staff. In this regard it is reasonable to accept the maximum number of staff on site expected at any one time, not the total staff pool. Therefore based on these numbers (175 staff plus 68 beds) a maximum of 234 bays are required in accordance with TPS3. The current provision of 224 bays (increasing to 251 bays as detailed below) is sufficient to meet this requirement. In order to accommodate the increase in parking demand over time and the variables relative to the service offering on site, it would be appropriate to apply a condition to any approval issued requiring parking provision on site to address the actual parking demand determined by TPS3 at any one time.

In addition to the abovementioned car parking it is noted that at its meeting held on 15 April 2014 the Council resolved to recommend refusal to the WAPC for an application for the proposed extension of the existing car parking area at the rear of Bethesda Hospital as the proposal did not satisfy appropriate environmental or land-use standards for the river foreshore, will inhibit pedestrian access along the foreshore and accordingly is an inappropriate use of the Regional Reserve for Parks and Recreation. The application was considered by the WAPC and the SRT and on 18 September 2014 the WAPC issued a conditional approval for the proposed car park which will provide an additional 27 staff car parking bays. These bays are proposed to be constructed at the same time as the current proposal. Once constructed, this parking will increase the total parking available for the development up to 251 bays (207 bays on-site and 44 off-site) which will represent a parking surplus of 17 bays. It is noted that the parking is not fully provided on-site, however 28 of the 44 off-site bays have resulted from private arrangements which are exclusive for the use of the hospital and therefore consistent with cl.32 of TPS3. The total exclusive bays provided is 235 (not including the 16 bays by reciprocal arrangement with Claremont Yacht Club). This satisfies the requirement of 234 bays detailed above.

Appendix VII of TPS3 states that “Prior to applying for planning approval the applicant is to undertake a traffic study to determine the effect that the proposed development will have on the nearby school and residents in the locality. Should the traffic study, in Council’s opinion, indicate that the development will create a traffic hazard, the applicant is to suitably modify the development to satisfy Council’s requirements with respect to traffic.”

The applicant has submitted a Transport Statement and Parking Assessment report to address the Town's concerns in relation to the impact of the proposed development on the street-parking, the shortage of visitor parking bays and the interaction of the hospital and nearby school traffic. It is noted that the initial report involved a survey of the locality during the mid-year school holidays (16 July 2014). The applicant was requested to resurvey the surrounding area to show quantitative evidence that no parking problems in the surrounding streets will result from approval of the application. Supplementary surveys were conducted on 11 and 24 of February 2015.

The revised Transport Statement and Parking Assessment states that the traffic analysis undertaken demonstrates that any additional traffic associated with the proposed development is not significant and the peak hours for the hospital operations and nearby school do not coincide. The report also indicates that there is currently a surplus of visitor parking available on site (e.g. 29% or approx. 28 bays available at the main Queenslea Drive car park) and that of the 204 on-street parking bays within 400m of the site (as now detailed in the Transport Statement and Parking Assessment), approximately 62% are utilised during the hospital's peak hours (i.e. 38% or approximately 77 of the street parking bays were available for use). It was specifically noted that on-street parking in Princess Road within the 400m radius was 80% utilised. Given Bethesda's instruction to staff not to use these bays, it is expected that the use of these bays will fall dramatically as staff alter parking habits and park at Times Square as instructed.

The Transport Statement and Parking Assessment was referred to the Town's Engineering Department for comment. Engineering has advised that the proposed additions are unlikely to adversely impact on the traffic and parking in the immediate area. The additional parking bays approved by the WAPC will assist to alleviate some of the staff car parking concerns.

Although the traffic study states that there is sufficient parking, including surplus visitor parking on-site during the peak periods of the hospital's operations, the Town is still concerned about the number of staff vehicles that appear to be parking in surrounding residential streets. It is recommended that any approval be conditioned to require the submission of a Parking Management Plan to address the potential use of excess visitor parking bays at the main Queenslea Drive parking area by staff to minimise the staff use of on-street parking in the immediate area.

It is noted that the concerns relating to on-street parking is a complex issue which faces the Town as a whole. Whereas it has been acknowledged by Bethesda that some of their staff park in the local streets such as Princess Road (within a 400m radius), other users would also be responsible for parking in this area. It is noted that Bethesda have now issued instructions to their staff indicating they are not to park in Princess Road and are to park in Times Square. Consultation is commencing about restricted time/resident permit parking for Princess Road and Chester Road. It is anticipated that 3P parking is likely to be introduced.

Construction Management

As discussed in this report a submission was received during the advertising period raising a concern in regards to the potential impacts on the surrounding locality during construction. The applicant/owner has advised that a Construction

Management Plan will be submitted for approval prior to the issue of a Building Permit. The owner has also advised that they intend to utilise the land located at 1-5 Victoria Avenue (north of the subject site) for the temporary storage of construction materials and parking of trade vehicles/deliveries. Given the nature of the use is temporary a separate application for planning approval is not required in this instance. It is considered that the use of the vacant site will assist in minimising any impact on the immediate locality during construction especially in regards to parking and should be supported. It is recommended that any approval be conditioned to require the submission of a Construction Management Plan that includes details of the proposed use of the vacant site at 1-5 Victoria Avenue and measures to minimise any potential impacts on the adjacent residents to this site.

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 Lorenz, seconded Cr Haynes

THAT Council grant planning approval for the proposed additions and alterations at Bethesda Hospital at Lot 13 (25) Queenslea Drive, Claremont 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-2014.00103), as amended by these conditions.**
- 2. Parking to be provided on site and in other locations approved by the Town of Claremont in accordance with Town Planning Scheme No. 3 for all patient beds plus one per employee on site at any one time.**
- 3. All storm water is to be retained on the site. Details are to be provided with the application for a building permit.**
- 4. A Parking Management Plan, detailing the allocation and management of the existing and proposed car parking bays on the subject site including measures to ensure on-site parking is utilised to capacity to reduce parking in the surrounding residential streets being submitted for approval of the Town of Claremont prior to occupation of the proposed addition.**
- 5. A Construction Management Plan for construction storage, tradespersons and deliver vehicles at 1-5 Victoria Avenue is to be prepared and submitted to the Town of Claremont for approval prior to the issue of a Building Permit. The Plan is to include details relating to noise and dust control, screening and landscaping to address visual amenity on adjacent residential lots to the satisfaction of the Town.**
- 6. 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) **All plant and machinery (such as air-conditioners and pool pumps) are to be suitably sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* and so as not to cause an adverse impact on the amenity of the adjoining residential property**
 - b) **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) **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) within 28 days of the determination.**

CARRIED(25/15)

For the Motion: Mayor Barker and Crs Browne, Kelly, Haynes, and Lorenz.
Against the Motion: Crs Mews, Edwards, and Tulloch.

13.2 CORPORATE AND GOVERNANCE

13.2.1 LIST OF PAYMENT 1- 31 JANUARY 2015

| | |
|-------------------------------|---|
| File Ref: | FIM00062 |
| Attachments: | Schedule of Payments - January 2015 NAB Purchase Card - January 2015 |
| Responsible Officer: | Les Crichton Executive Manager Corporate and Governance |
| Author: | Edwin Kwan Finance Officer |
| Proposed Meeting Date: | 3 March 2015 |

Purpose

For Council to note the payments made in January 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 \$1,360,532.37 during the month of January 2015.

The attached schedule covers:

| | | |
|--|----|------------|
| • Municipal Funds electronic funds transfers (EFT) | \$ | 831,981.25 |
| • Municipal Fund vouchers (39287-39302) | \$ | 22,706.03 |
| • Municipal Fund direct debits | \$ | 443,877.18 |
| • Trust Fund electronic funds transfer (EFT) | \$ | 61,967.91 |
| • 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 February 2015, Resolution 14/15:

THAT Council notes all payments made for December 2015 totalling \$3,337,531.52 comprising;

| | | |
|---|----|---------------------|
| • <i>Municipal Funds electronic funds transfers (EFT)</i> | \$ | <i>2,686,994.74</i> |
| • <i>Municipal Fund vouchers (39274-39286)</i> | \$ | <i>28,937.02</i> |
| • <i>Municipal Fund direct debits</i> | \$ | <i>549,718.66</i> |
| • <i>Trust Fund electronic funds transfer (EFT)</i> | \$ | <i>71,881.10</i> |
| • <i>Trust Fund vouchers</i> | \$ | <i>0.00</i> |

CARRIED
(NO DISSENT)

Financial and Staff Implication

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Regs. 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 Edwards

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

| | | |
|---|-----------|-------------------|
| Municipal Funds electronic funds transfers (EFT) | \$ | 831,981.25 |
| Municipal Fund vouchers (39287-39302) | \$ | 22,706.03 |
| Municipal Fund direct debits | \$ | 443,877.18 |
| Trust Fund electronic funds transfer (EFT) | \$ | 61,967.91 |
| Trust Fund vouchers | \$ | 0.00. |

**CARRIED(26/15)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Mayor and Chief Executive Officer met with the Premier.

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**16.1 STAGE 3 COMMUNICATION – CLAREMONT ON THE PARK**

Moved Cr Browne, seconded Cr Haynes

That Landcorp in association with Georgiou contractors be required by this Council to send out to the relevant residents a corrected and comprehensive document that fully but simply explains the nature and scope of the Stage 3 works associated with NEP development .

Further that this and other relevant documents be made available to the Claremont Council such that the information can be placed on the Councils website or a link to another website.

Reason: To better inform residents of the scope and impact of the work.

**CARRIED(27/15)
(NO DISSENT)**

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

(a) A matter affecting an employee or employees.

**CARRIED(28/15)
(NO DISSENT)***Mayor Barker adjourned the meeting at 7:40 PM.**Mayor Barker reconvened the meeting at 7:40 PM.***Mayor Barker**

| | |
|----------------------------|-------------------|
| Cr Peter Browne | West Ward |
| Cr Peter Edwards | West 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 Les Crichton (Executive Manager Corporate and Governance)

17.1 CHIEF EXECUTIVE OFFICER**17.1.1 CHIEF EXECUTIVE OFFICER REMUNERATION 2015**

File Ref: PER751
Responsible Officer: Mayor Barker
Mayor
Responsible Officer: Mayor Barker
Mayor
Stephen Goode
Chief Executive Officer
Proposed Meeting Date: 03 March 2015

Purpose

Item 17.1.1 was considered in closed session.

Recommendation

Moved Cr Lorenz, seconded Cr Tulloch

That:

- 1. Council approve a 3.5% increase to the Chief Executive Officer's remuneration as set out in Schedule 2, item 7 of the contract of employment.**
- 2. The report remain confidential other than to the extent necessary to implement the decision and in accordance with statutory requirements.**

**CARRIED(29/15)
(NO DISSENT)**

MOTION TO PROCEED WITH OPEN DOORS

Moved Cr Browne, seconded Cr Edwards

That the meeting proceed with open doors.

**CARRIED(30/15)
(NO DISSENT)**

The meeting proceeded with doors open at 7:48 PM.

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting 17 March 2015.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:49 PM.

Confirmed this day of 2016.

PRESIDING MEMBER