



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 16 MAY, 2017

Stephen Goode

CHIEF EXECUTIVE OFFICER

Date:

DISCLAIMER

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES	1
3	DISCLOSURE OF INTERESTS	1
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .	1
5	PUBLIC QUESTION TIME	2
6	PUBLIC STATEMENT TIME	2
7	APPLICATIONS FOR LEAVE OF ABSENCE	2
8	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
8.1	PETITION.....	2
8.1.1	ROAD CLOSURES IN CLAREMONT CBD.....	2
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	2
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC	2
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING	3
12	REPORTS OF COMMITTEES.....	3
13	REPORTS OF THE CEO.....	4
13.1	CHIEF EXECUTIVE OFFICER	4
13.1.1	UNDERGROUND POWER – INDICATORS FOR CONSULTATION	4
13.2	PLANNING AND DEVELOPMENT	8
13.2.1	18/50 BAY VIEW TERRACE, CLAREMONT - PROPOSED FIT OUT AND USE OF SHOP FOR SALES AND DISPLAY..	8
13.2.2	FINAL ADOPTION OF SCHEME AMENDMENT NO. 134 - REZONING AND RESERVING OF LAND IN THE VICINITY OF LAKE CLAREMONT.....	13
13.3	CORPORATE AND GOVERNANCE.....	18
13.3.1	DELEGATED AUTHORITY REVIEW.....	18

13.3.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIODS ENDING 31 MARCH 2017	23
13.3.3	LIST OF PAYMENT 1-30 APRIL 2017	27
13.3.4	SHINE COMMUNITY SERVICES - DEED OF AGREEMENT	29
13.4	INFRASTRUCTURE	33
13.4.1	FRESHWATER BAY PRIMARY SCHOOL - TWO SCHOOL CROSSINGS.....	33
13.4.2	UPGRADE OF INFORMAL CAR PARK FOR GOLF COURSE AND ASPIRE GYM - LAPSLEY ROAD.....	37
14	ANNOUNCEMENTS BY THE PRESIDING PERSON.....	40
15	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	41
15.1.1	NOTICE OF MOTION – CR MEWS	41
15.1.2	NOTICE OF MOTION – CR WOOD.....	43
16	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING	45
17	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	46
17.1	CHIEF EXECUTIVE OFFICER	47
17.1.1	ENTERPRISE AGREEMENT 2017 -2020.....	47
18	FUTURE MEETINGS OF COUNCIL	48
19	DECLARATION OF CLOSURE OF MEETING	48

TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
16 MAY, 2017
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 RECORD OF ATTENDANCE/APOLOGIES

ATTENDANCE

Mayor Barker

Cr Chris Mews

South Ward

Cr Jill Goetze

South Ward

Cr Peter Browne

West Ward

Cr Karen Wood

West Ward

Cr Peter Edwards

West Ward

Cr Alastair Tulloch

East Ward

Cr Bruce Haynes

East Ward

Cr Kate Main

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Liz Ledger (Deputy Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr Saba Kirupananther (Executive Manager Infrastructure)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Katie Bovell (Governance Officer)

Nine members of the public

Two members of the press

APOLOGIES

Cr Paul Kelly (Apology)

3 DISCLOSURE OF INTERESTS

NIL.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL.

5 PUBLIC QUESTION TIME

**Ms Sonia Yates, 29a Stirling Road, Claremont.
Re: Woodchips On Verge.**

Question:

Mrs Yates requested her verge be tidied and supplied with woodchips or grass at the Council's expense?

Answer:

The Mayor took the question on notice.

6 PUBLIC STATEMENT TIME

**Mr Dan Lees, TPG+Place Match, Level 7 182 St Georges Terrace, Perth.
Re: Item 13.2.1, 18/50 Bay View Terrace, Claremont - Proposed Fit Out
and Use of Shop For Sales and Display.**

Mr Lees spoke in favour of the officer recommendation.

Written submissions received from Mr Peter Wilson on item 15.1.2 and Ms Lyn Murphy on item 13.2.1 were circulated to the Council.

7 APPLICATIONS FOR LEAVE OF ABSENCE

NIL.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS**8.1 PETITION****8.1.1 ROAD CLOSURES IN CLAREMONT CBD**

Moved Cr Mews, seconded Cr Browne

That the petition be received.

**CARRIED(60/17)
(NO DISSENT)**

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Tulloch, seconded Cr Goetze

That the minutes of the Ordinary Meeting of Council held on 18 April 2017 be confirmed.

**CARRIED(61/17)
(NO DISSENT)**

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

Item 17.1.1, Enterprise Agreement 2017 -2020.

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 UNDERGROUND POWER – INDICATORS FOR CONSULTATION

File Reference:	EAT123
Attachments:	Underground Power Plan Feb 2016
Responsible Officer:	Liz Ledger Acting Chief Executive Officer
Author:	Liz Ledger Acting Chief Executive Officer
Proposed Meeting Date:	16 May 2017

Purpose

The purpose of this report is to determine the consultation indicators for the proposed undergrounding of power, when consulting with residents from the north and west precincts of the Town of Claremont.

Background

In March 2016 the Town applied to the State Government (Round 6 of the State Underground Power Program – SUPP), for funding assistance to underground the power in the remaining areas of the Town. Unfortunately the Town was not a successful recipient of the grant.

At the OCM on 7 February 2017, Mayor Barker moved a Notice of Motion in relation to the completion of underground power for the Town of Claremont. The motion for the Town's administration to assess the feasibility of the Town undertaking the project without external funding was supported.

The Town has since engaged Western Power to undertake this feasibility, the outcome of which will be presented to Council in June 2017.

Discussion

To determine what level of funding and how important the undergrounding of power in their neighbourhood is, the Town would like to conduct a survey of the residents in the affected precincts. (*Please refer to Attachment 1 'Map of the Area without Underground Power'*).

The purpose of the survey is to measure the level of property owner support for the installation of underground power in the north and west precinct of the Town.

The survey will provide those affected residents the opportunity to say whether they want underground power and whether they are prepared to pay for it.

The Town has engaged Western Power carry out the design and to provide a cost estimate to a confidence of plus or minus 10%. The design has been received and the cost is due within the month.

The number of residential properties in this precinct is 1097, and the number of allotments is 782.

The actual cost per residence will be calculated at the point when the Town receives the Feasibility Report and the actual amount. This calculation will be spread across the number of properties per allotment to create an equitable cost.

Past Resolutions

Ordinary Council Meeting 7 February 2017, Resolution 10/17:

AMENDED MOTION

Moved Mayor Barker, seconded Cr Kelly

That

1. *The Chief Executive Officer as a matter of priority prepare a report for Council to consider a standalone project to complete underground power for the remainder of the Town, and*

2. *Council approves an unbudgeted allocation of \$150,000 from the Underground Power Reserve Fund to allow the CEO to obtain a detailed design and cost estimate.*

Reasons:

To allow a cost estimate to a + or – 10% level of confidence to be obtained from Western Power. This information will allow the necessary factual basis on which to present a report to Council for decision on whether or not to proceed with the proposed project.

*CARRIED BY AN ABSOLUTE MAJORITY
(NO DISSENT)*

Financial and Staff Implications

Staff Resources

This type of project requires a number of hours from the Town's human resources to manage. At this stage these resources have come mostly from the Infrastructure Directorate. If the Town progresses with this project, those hours will continue, and also affect other business areas such as Finance, Communications and Property.

Financial implications

The cost for this project is not yet known. As a guide, the cost estimate for the application to Round 6 of the SUPP was \$9,937,500.

The breakdown of funding sources proposed are:

- 33.33% Reserve Funding
- 33.33% Loan
- 33.33% Residents.

It is noted that approximately \$1.2 million could be available from Western Power due to savings it will make on programmed power pole replacement.

Policy and Statutory Implications

Policy LV102 Underground Power
Policy LG524 Community Consultation

Communication / Consultation

In order to gauge the community's opinion on undergrounding the power in their street, the Town would conduct a survey of those residents affected.

The Town will create a hard copy survey with a reply post envelope and distribute to all the properties affected. (*Please refer to Attachment 1 'Map of the Area without Underground Power'*).

In order to determine whether to pursue with the project, the Town is proposing the following indicators:

- A minimum of a 50% response rate from the properties (i.e. a minimum of 548 properties responding);
- Of which a minimum of 50% of those surveys returned must select that they WILL '*pay this amount to get underground power in my area*'.

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.
- Focus on improved customer service, communication and consultation.
- Maintain long term financial stability and growth.
- Provide responsive and responsible leadership.

Urgency

The budget for the Undergrounding of Power has been identified in the Draft 2017/2018 Annual Budget. If this project is approved, the consultation with the residents will commence in the new financial year.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Browne, seconded Cr Main

That Council, in consulting with its residents regarding underground power, accepts a minimum of a 50% return rate of those consulted, with a minimum of

50% of those people prepared to pay as a baseline for progressing with the project.

**CARRIED(62/17)
(NO DISSENT)**

13.2 PLANNING AND DEVELOPMENT

13.2.1 18/50 BAY VIEW TERRACE, CLAREMONT - PROPOSED FIT OUT AND USE OF SHOP FOR SALES AND DISPLAY

File Ref:	A-0456
Attachments - public:	Location Map Photograph Applicant's Justification
Attachments - restricted:	Plans Legal Advice
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	John Humphreys Manager Planning
Proposed Meeting Date:	16 May 2017
Date Prepared:	2 May 2017
Planning Application No.:	DA 2017.00011
90 Days Due Date:	3 May 2017
Property Owner:	Various owners trading as FJM Property
Submitted By:	TPG + Place Match
Lot No.:	508
Area of Lot:	N/A
Zoning:	Town Centre - southern portion of Lot in Primary Regional Roads Reservation under the Metropolitan Region Scheme (MRS)
Financial Implications:	Nil
Enabling Legislation:	Planning and Development Act 2005 (PDA) Town Planning Scheme No. 3 (TPS3)

Summary

- The application involves a new internal fit out for an existing shop with the intention to use the premises for the sale of high-end apartment developments, with the majority of the tenancy fitted out as a display suite and display centre.
 - The nature of the proposed use resulted in legal advice being sought from the Town's solicitors on the matter of definitions and interpretations under TPS3.
 - The application was originally included in the 17 March 2017 Delegation Report with a recommendation for approval; however an Elected Member subsequently called the application in for determination by Council due to concerns over the appropriateness of the use class designation of 'Shop (Small)' under TPS3.
-

- Further legal advice was sought from the Town's solicitors to clarify various aspects of the previous advice given to the Town. The advice confirms that the appropriate use class designation is 'Shop (Small)'.
- As the tenancy is already approved as a shop, the use of the tenancy is not the subject of this application.
- The application is recommended for approval, subject to relevant conditions.

Purpose

The application involves a new internal fitout for an existing shop with the intention to use the premises for the sale of high-end apartment developments, with the majority of the tenancy fitted out as a display suite and display centre.

The application requires the Council's determination due to an Elected Member calling the application in for Full Council consideration after review of the officer's delegated report dated 17 March 2017.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
2 February 2017	Planning Application received by Council
8 February 2017	Application undergoes internal DCU assessment
9 February 2017	Application referred to MRWA for comment
17 February 2017	Response from MRWA received
17 February 2017	Delegation Report recommending approval
18 March 2017	Elected Member call in
4 April 2017	Legal advice sought from Town's Solicitors
20 April 2017	Further legal advice sought from Town's Solicitors
3 May 2017	Report prepared for Council

Past Resolutions

There are no past Council resolutions relevant to this application.

Heritage

The premises falls within Bay View Terrace Heritage Area 2 of the Town's Heritage Inventory and as such the application was referred to the Town's Heritage Officer.

The Heritage Officer has assessed the application and supports the proposal, noting that the existing building contains little evidence of its original fabric.

Consultation

The application was not advertised in accordance with Local Planning Policy LG525 as the internal changes and use were considered not to affect adjacent tenancies.

Metropolitan Region Scheme Metropolitan Region Scheme (Main Roads WA Referral)

The subject 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 subject application was referred to MRWA for comment, which advised of no objections to the proposal.

Discussion

Description

The application involves a new internal fit out for an existing shop with the intention to use the premises for the sale of high-end apartment developments with the majority of the tenancy fitted out as a display suite and display centre (similar to the Mirvac display on the second floor of the Claremont Quarter near the entrance to David Jones).

The previous long term tenant was a stationer who last occupied the premises in 2013. Apart from a number of short term pop-up shops, the premises has mostly remained vacant since that time.

Compliance

The development complies with the relevant TPS3, Council Policy and Local Laws.

The proposed use has been assessed to determine the appropriate use-class under TPS3, being a 'shop', 'office' or 'showroom'. In this case the appropriate use-class is determined to be 'shop' for the following reasons:

- The activities are consistent with uses that require ongoing contact with the public (the main consideration for a 'shop' use).
- The use differs from other real estate agents (which are classed as 'office') as it does not include any work other than customer-facing sales. Other functions such as website maintenance and general administration will continue to be run from the company's Osborne Park office.
- Unlike a typical showroom, the products on display are not for general sale but rather they are examples of what is available as part of the apartment packages.

Given that the gross leasable area will be less than 80m², the proposed use falls within the use class of 'Shop (Small)' which is a permitted use in the 'Town Centre' zone of TPS3, and the existing approved use for the tenancy.

Legal advice has been sought from the Town's solicitor who concurs with the officer's assessment that the best fit for the proposed use is 'Shop (Small)' but recognises the complexity of the fine distinctions involved in the choice between the 'Showroom', 'Shop(Small)' and 'Office' use classes as summarised in the confidential attachment.

Product Demonstrations

The use will include occasional product launch and demonstration events. These activities are in keeping with the use of 'shop' so long as they relate directly to the products being sold. A condition is recommended to provide clarity that the demonstrations are directly related to shopping activities.

Car Parking

As the existing use of the premises is classified 'Shop (Small)' there is no change of use, hence car parking and other requirements relating to the use do not require assessment.

Summary

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

Voting Requirements

Simple majority decision of Council required.

Moved Cr Goetze, seconded Cr Wood

THAT Council grant development approval for a proposed internal fit out and use of shop for sales and display on Lot 508 (18/50) Bay View Terrace, Claremont, subject to the following conditions and advice notes:

- 1. The premises are not to be used as an 'Office' as defined in Town Planning Scheme No. 3, and specifically not used for the practice of a profession.**
- 2. Display suite items (such as furniture) are not to be sold directly to the public as this use is classed as a 'Showroom' which is not permitted on this premises under Town Planning Scheme No. 3.**
- 3. Demonstration events and product launches must be directly related to the products being sold.**
- 4. Development is to occur in accordance with the drawings submitted with the application for Development Approval (DA2017.00011), as amended by these conditions.**
- 5. A Construction and Site Management Plan detailing access to the site, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town prior to the issue of a Building Permit and implemented for the duration of construction.**
- 6. All signage is to be submitted to and approved by the Town of Claremont prior to installation.**
- 7. The external materials and colour finishes of the development are to be to a standard such that it complies with the requirements of Clauses 76 and 77 of the Town of Claremont Town Planning Scheme No. 3, to the satisfaction of the Town of Claremont.**

Advice Notes:

- (i) If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- (ii) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- (iii) If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.
- (iv) This is a Development Approval only and a Building Permit must be obtained from the Local Government prior to the commencement of any building works.
- (v) A Demolition Permit must be obtained from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.
- (vi) This property is listed on the Town of Claremont's Heritage List 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 Development Approval and the application may be referred to the Heritage Council.
- (vii) The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
 - a. All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - b. Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
 - i. Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
 - ii. On a Sunday or on a public holiday.
 - c. The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the *Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)]* as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

CARRIED(63/17)

For the Motion: Mayor Barker and Crs Tulloch, Goetze, Browne, Mews, Main and Wood.

Against the Motion: Crs Haynes and Edwards.

13.2.2 FINAL ADOPTION OF SCHEME AMENDMENT NO. 134 - REZONING AND RESERVING OF LAND IN THE VICINITY OF LAKE CLAREMONT

File Reference:	LND/114
Attachments - Public:	<u>Scheme Amendment No. 134</u>
Attachments – Restricted:	<u>Submissions</u>
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	16 May 2017
Date Prepared:	1 May 2017
Financial Implications:	Advertising costs
Enabling Legislation:	Planning and Development Act 2005 (PDA) <i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i> Town Planning Scheme No. 3 (TPS3)

Summary

- Scheme Amendment No. 134 was initiated by Council on 15 November 2016 in response to the finalisation of the Metropolitan Region Scheme Amendment No. 1275/57. The intent of the amendment is to make numerous minor changes to zones and reserves around Lake Claremont. The changes are essentially ‘tidying-up’ of the Scheme Map and are not expected to have any impact on the development potential of the affected lots.
- The Amendment has been advertised and two submissions were received.
- Council must consider the submissions and make a final recommendation to the Minister for Planning on whether to support or not the amendment for finalisation (with or without modification).
- Recommended that Scheme Amendment No. 134 be supported with a minor modification to remove the ‘Residential’ zoning from the road reservation of The Cedus.

Purpose

For Council to make a formal recommendation to the Minister for Planning regarding Scheme Amendment No. 134.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
18 March 2014	Council resolved to support MRS Amendment No. 1275/57 and commits to reviewing zoning once it is gazetted
8 July 2016	MRS amendment gazetted
15 November 2016	Amendment No. 134 initiated by Council
20 January 2017	Consent to advertise received from Environmental Protection Authority
3 March 2017	Advertising commenced
10 April 2017	Advertising closed
1 May 2017	Report prepared for Council

Past Resolutions

Amendment No. 134 was initiated by Council at its Ordinary Council Meeting on 15 November 2017, Resolution No. 181/16:

“THAT Council resolve the following:

1. In accordance with Section 75 of the *Planning and Development Act 2005*, amend Town Planning Scheme No. 3 as follows:
 - a. Zone the unzoned portions of the following lots to ‘Educational’:
 - Lot 1 on D6269
 - Lot 400 on P33694
 - Lot 151 on D30924

All of which form part of the Scotch College campus at 31 Shenton Road, Swanbourne.
 - b. Modify the portions of the following lots that are currently zoned ‘Educational’ to ‘Local Reserves – Recreation’:
 - Lot 900 on P48900
 - Lot 11098 on P016084 (R40523)

which are located immediately north of The Cedus, Swanbourne.
 - c. Remove the present “Local Reserves - Recreation’ from the portion of Lot 1063 on P222328 that is intended to be formalised as a road reserve and that forms the intersecting area of Devon Road, Mitford Street and Fern Street.
 - d. Modify the following lots from ‘Residential’ to ‘Local Reserves – Recreation’:
 - Lot 440 on P59604 (R49882)
 - Lot 441 on P59604 (R49882)

Which are adjacent to Swanway Crescent, Swanbourne.
 - e. Remove the present ‘Residential’ zone from the following road reserves within the Lakeway Estate, Swanbourne:
 - Swanway Crescent
 - Glenway Crescent

- Eastway Crescent
 - Aceway Lane
 - Melway Lane
- f. Zone the unzoned portion of Lot 63 on PS002835 (88 Davies Road, Claremont) 'Residential' and apply a density code of 'R30'.
2. That proposed Amendment No. 134 to Town Planning Scheme No. 3 be treated as a 'standard amendment' for the purposes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, based on the following criteria:
- a. the amendment will make the scheme consistent with a region planning scheme, and is not a basic amendment
 - b. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment
 - c. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area."

Statutory Considerations

The Town is able to amend its current Town Planning Scheme under section 75 of the PDA. Scheme amendments are required to be undertaken in accordance with the LPS Regs.

Amendment No. 134 has been advertised as a 'standard' scheme amendment. This required advertising for a period of no less than 42 days (closing on 10 April 2017). Council has 60 days from this date (9 June 2017) to make a final recommendation to the Minister for Planning. The recommendation must state that Council either:

1. Supports the amendment without modification
2. Supports the amendment with proposed modifications to address issues raised in the submissions, OR
3. Does not support the Amendment.

Council's recommendation will be forwarded to the Minister for Planning for final endorsement. If endorsed, the amendment will come into effect following gazettal and advertising in a local newspaper.

Consultation

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

119 neighbours were consulted and two submissions were received. A summary of the submission has been provided as follows:

Submissions Received	
Address:	88 Davies Road, Claremont (strata company)
Submission	Officer Comment
Agree that unzoned portion of 88 Davies Road should be zoned 'Residential R30'.	Noted
Address:	37 Fern Street, Swanbourne
Submission	Officer Comment

Disappointed that Lot 90 Fern Street was not included.	Lot 90 Fern Street was not included in the amendment as the property did not directly relate to the MRS amendment and the issues surrounding this property are more complex and involve a number of strategic financial considerations (see details below).
--	---

A full copy of the submissions are attached to this report.

Discussion

Lot 90 Fern Street

One of the submissions raised the question of Lot 90 Fern Street. Lot 90 is currently zoned 'Residential R20' and is owned in freehold by the Town. While no rezoning of this lot is currently proposed, it was considered in the initial report to Council, as follows:

Lot 90 Fern Street is owned by the Town in freehold. It appears that the land was acquired for the purpose of allowing a road connection through to Mitford Street however was ultimately not required for this, and the road was constructed under its present alignment to the immediate west. The land has been treated as public open space by local residents and contains a number of mature trees. The site is valued by members of the local community, many of whom have successfully sought to retain the site as vacant land when Council previously considered its sale.

The lot is 685m² in area and has a likely value of in the order of \$1m if sold on the open market (a formal valuation has not been sought).

Reserving this lot as 'Local Reserves - Recreation' would mean the lot will remain as parkland in the future. In determining whether to include this lot into the amendment, Council should consider the relative benefits to the community of retaining the land as is or selling it and using the proceeds to improve other facilities in the Town. There may however be some potential for this land to be swapped with other State owned land. This would require detailed investigation and could be considered in the future should Council wish to pursue the application of a Local Open Space reservation on the land at another time.

Rezoning of Lot 90 could be incorporated into Amendment No. 134 as a modification (although readvertising would be required), however this is not recommended as the property has a significant role to play in the Town's long term financial management (as detailed above). If Council wishes to consider rezoning of this lot it should be done separately, fully taking into account these matters in a strategic manner.

The Cedus

A final review of Amendment No. 134 has revealed that an additional 'tidy-up' zoning change should have been incorporated when the amendment when initiated. The road reserve of The Cedus is currently zoned 'Residential' whereas road reserves are typically left unzoned in local planning schemes. Technically Council cannot alter the amendment at this stage except in response to a submission; however in this instance it is recommended that Council make a second resolution to request that the Minister incorporate this change. Re-advertising of this modification is unlikely to be necessary as it is of no real consequence to the main issues being addressed in the amendment.

Summary

Amendment No. 134 was initiated by Council to resolve several zoning issues under TPS3 resulting from MRS Amendment No. 1275/57 on land surrounding Lake Claremont. The amendment has been advertised for public comment and it is recommended that no modifications be made to the amendment resulting from submissions received. A minor modification is however recommended to remove the zoning from The Cedus road reserve.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Wood**THAT Council:**

1. **Support Scheme Amendment No. 134 without modification addressing submissions received.**
2. **Further, request to the Minister for Planning to modify Amendment No. 134 to remove the Residential' zoning from The Cedus road reserve without advertising.**

**CARRIED(64/17)
(NO DISSENT)**

13.3 CORPORATE AND GOVERNANCE

13.3.1 DELEGATED AUTHORITY REVIEW

File Ref:	COM00031
Attachments:	Delegations Register
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Katie Bovell Governance Officer
Proposed Meeting Date:	16 May 2017

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 19 April 2016.

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 19 April 2016, Resolution 60/16:
Annual Delegated Authority Review.

Ordinary Council Meeting 15 September 2015, Resolution 159/15:
Revocation of DA2 – Appointment of Acting CEO.

Ordinary Council Meeting 21 April 2015, Resolution 62/15:
Annual Delegated Authority Review.

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 Delegated Authority Review.

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.

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

There have been no changes to the delegations register since it was last adopted at its annual review at the Ordinary Council Meeting 19 April 2016. The following new delegations and amendments to existing delegations included in this review are recommended for approval by Council.

New Delegations

DA13 - Multiple Dog Applications

The Town's Dog Local Law 2012 limits the number of dogs which may be kept on any premises for the purpose of section 26(4) of the *Dog Act 1976* to two dogs over the age of three months and the young of those. Council can however, if satisfied that the provisions of the Act relating to approved kennels need not be applied to a premise, grant an exemption, with conditions, to allow up to six dogs above 3 months to be kept at the premises.

Applications for exemptions involve an extensive review of the applicant submission and require the Town to canvass comments/submissions from neighbouring properties. In the last three years, three applications have been considered by Council.

With the low number of applications for exemption of limitation of number of dogs received each year and the extensive consultation required, it is recommended Council delegate to the Chief Executive Officer authority to approve the multiple dog applications subject to no adverse submissions being received and limited to four dogs at any one premises.

Amendments

DA22 – Determination of Planning Matters

Planning delegations were last reviewed in March 2015. Since that time, the delegations have worked well to assist in the efficient turn-around of planning related matters, with very few "call-ups" to Council for consideration. The delegation does however require review to:

-
- Correctly reference legislation modifications (Town Planning Scheme No. 3 (TPS3) now overwritten by the deemed provisions under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and State Administrative Tribunal reviews (not appeals).
 - Include matters dealt with under the *Dividing Fences Act 1961* and *Strata Titles Act 1985*, as matters which are not considered a 'relevant planning matter'.
 - Provide clarity on the exclusions from the delegation, to not include matters where:
 - An objection has been received if the objection has been addressed to the satisfaction of the Town by the application of conditions of approval or refusal of the application.
 - Application for Council approval has been received for minor alterations to plans or conditions are proposed to existing Metropolitan West Joint Development Assessment Panel approvals.
 - Any subdivision proposal producing more than two lots is consistent with an existing Development Approval or Local Development Plan (renamed from former Detailed Area Plan under the LPS Regs).
 - Add the following new exclusions to the delegation:
 - Any planning related application referred to an advisory committee of the Council.
 - Any application to remove a heritage listed property from the Town's TPS3 Heritage List or Local Government Inventory, or demolish the heritage listed property (unless the officer recommendation is for refusal due to non-compliance with the requirements of Council's Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts).

DA33 – Issuing Strata Titles – Certificate of Local Government

This delegation has been amended to reflect removal of reference to clause 23 of the *Strata Titles Act 1985*.

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).

Community / Consultation

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.

Note: DA10 and DA13 were amended by the CEO at the request of Councillors to add the following

Notification to Elected Members

That the Chief Executive Officer informs Elected Members about any exemption application for which Delegation DA13 is to be exercised, and provides Elected Members with details in relation to the proposal and consultation responses.

Elected Members are to be notified of all applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA10 or DA13.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

Moved Cr Edwards, seconded Cr Haynes

That Council

- 1. Adopts the following delegations as outlined in Attachment 1 – Delegations Register**

DA1 Affixing Common Seal

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
DA13 Multiple Dog Applications (new)
DA21 Administration of Local Laws
DA22 Determination of Planning Related Matters (as amended)
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
DA36 Approval of Signage

**CARRIED BY AN ABSOLUTE MAJORITY(65/17)
(NO DISSENT)**

13.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIODS ENDING 31 MARCH 2017

File Ref:	FIM/0062-02
Attachments:	Statement of Financial Activity for period ending 31 March 2017 Infrastructure Assets – 2016-17 Schedule of Works
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Hitesh Hans Finance Manager
Proposed Meeting Date:	16 May 2017

Purpose

For Council to note the Statement of Financial Activity for the month ending 31 March 2017.

Background

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

Discussion

The Financial Statements to 31 March 2017 represent the first eight months of operation within the 2016-17 financial year and compares year-to-date expenditure and revenue against the corresponding budget. The budget figures incorporate all 2015-16 carry-forwards approved as part of the June 2016 end of year report and mid-year budget review adopted by council on 21 February 2017. Overall the financial situation is sound and the Town is operating in accordance with the approved budgets.

The closing surplus of \$5,881,049 compares favourably against the budgeted surplus of \$4,793,455. The surplus is the product of revenue received less expenditure and includes both operating and capital items. The budgeted surplus is estimated based on when income is expected to be received and expenditure to occur. Often the variations in timing account for much of the difference between budgeted surplus and actual reported.

Detailed below, the \$1,087,594 variance is comprised of operating revenue \$25,442 above budget; operating expenditure (excluding non cash items) \$686,708 under budget; capital revenue and capital expenditure \$9,201 and \$384,644 under the budget respectively.

Table 1: Operating revenue - \$17,962 above budget.

	Revenue Budget	Revenue Actual	Variance
Fees and charges	2,796,172	2,849,072	52,900
Reimbursements	111,228	133,264	22,036
Rates	13,916,445	13,893,284	(23,161)

The reasons for operating revenue variations are:

- \$52,900 increase in fees and charges is mainly due to increased income from Food Act Fees along with increase in income from Parking services and Aquatic Centre due to timing.
- \$22,036 increase in reimbursements in mainly due to EHO services to Town of Mosman Park.
- \$23,161 decrease in rates income is due to timing of interim rates invoicing.

Important revenue indicators are:

Rates (including Arrears, ESL & other charges) totals \$16.724M with collection of \$16.405M representing a 98% collection rate. This compares to 96% collection in the previous financial year for this period.

Debtors show +90 days outstanding of \$7K which is mainly relate to health fees and charges. Most of these accounts are now being sent to debt collection agency for further follow up.

Table 2: Operating expenditure - \$637,642 under budget

	Expenditure Budget	Expenditure Actual	Variance
Employee Cost	5,198,482	5,084,024	114,458
Material & Contracts	4,346,389	3,854,576	576,606

The reasons for operating expenditure variations are:

- \$130,403 due to timing of expenditure on staff recruitment and training (\$20K), superannuation (\$31K) along with staff vacancies and timing of EBA salary changes.
- \$576,606 due to timing difference across materials and contracts services \$306K, consultancy \$173K and office expenses \$111K.

The reduced operating expenditure is due to timing and does not represent a budget saving.

Some of the more significant timing variances are:

IT expenses – budgeted \$294 with expenditure to date being \$223K which is under budget. The remaining \$71K will be spent on software and licensing.

Waste Management Services - budgeted \$1,272K with expenditure to date being \$1,119. This is mainly due to delays between services provided and invoices received and processed. Some small savings identified.

Strategic Plans – Consultancy budgets for Swanbourne activity centre plan (\$46K), Recycle Water study (\$39K), drainage strategy (\$25K) and Bike Plan (\$5K) are yet to be implemented/progressed.

Capital revenue – \$9,201 below budget

Minor variance is due to timing of proceeds from fleet replacement program.

Capital expenditure – \$384,644 under budget

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

- \$324K below budget in infrastructure works due to timing. Attachment 3 provides further detail on the projects and variance explanation.
- \$45K under budget on transfers to reserves due to timing of interest income on reserve investment.

Past Resolutions

Ordinary Council Meeting 21 March 2017, Resolution 37/17:

That Council notes the Financial Statement of Activity for the period 1 July 2016 to 31 January 2017.

That Council notes the Financial Statement of Activity for the period 1 July 2016 to 28 February 2017.

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996.

Town of Claremont Investment Policy LG511 - Current investment holdings are outside Council's Investment Policy LG511 with 49% investment with NAB due to significant interest income benefit. The policy limits funds with one institution at 45% however the risk of investments with NAB was considered low given it has an excellent credit rating.

Communication / Consultation

N/A

Strategic Community Plan**Governance and Leadership**

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

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

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Tulloch

That Council notes the Financial Statement of Activity for the period 1 July 2016 to 31 March 2017.

**CARRIED(66/17)
(NO DISSENT)**

13.3.3 LIST OF PAYMENT 1-30 APRIL 2017

File Ref: FIM/00062-02

Attachments: [List of Payments for April 2017](#)

Responsible Officer: Les Crichton
Executive Manager Corporate and Governance

Author: Edwin Kwan
Senior Finance Officer

Proposed Meeting Date: 16 May 2017

Purpose

For Council to note the payments made in April 2017.

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 required to present a list to Council of those payments made since the last list was submitted.

Discussion

Attached is the list of all accounts paid totalling \$1,018,481.72 during the month of April 2017.

The attached schedule covers:

- Municipal Funds electronic funds transfers (EFT) \$ 632,947.51
- Municipal Fund vouchers (39519-39521) \$ 508.12
- Municipal Fund direct debits \$ 358,248.81
- Trust Fund electronic funds transfer (EFT) \$ 26,777.28
- 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 18 April 2017, Resolution 55/17:

That Council notes all payments made for March 2017 totalling \$2,779,370.83 comprising;

<i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$ 2,139,242.85</i>
<i>Municipal Fund vouchers (39514-39518)</i>	<i>\$ 27,642.98</i>
<i>Municipal Fund direct debits</i>	<i>\$ 529,539.39</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	<i>\$ 82,945.61</i>
<i>Trust Fund vouchers</i>	<i>\$ 0.00</i>

Financial and Staff Implication

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government (Financial Management) Regulations 1996, Regulations 12- 13.
Town of Claremont Delegation Register – DA9 Payment of Accounts.

Communication / Consultation

N/A

Urgency

The Schedule of Payments is to be presented to the next ordinary meeting of Council after the list has been prepared.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Main

That Council notes all payments made by the CEO under Delegation DA9 for April 2017 totalling \$1,018,481.72 as detailed in Attachment 1 comprising;

Municipal Funds electronic funds transfers (EFT)	\$	632,947.51
Municipal Fund vouchers (39519-39521)	\$	508.12
Municipal Fund direct debits	\$	358,248.81
Trust Fund electronic funds transfer (EFT)	\$	26,777.28
Trust Fund vouchers	\$	0.00

**CARRIED(68/17)
(NO DISSENT)**

13.3.4 SHINE COMMUNITY SERVICES - DEED OF AGREEMENT

File Ref:	COS/00034-03
Attachments:	Draft Deed of Agreement
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Les Crichton Executive Manager Corporate and Governance
Proposed Meeting Date:	16 May 2017

Purpose

Report recommends Council endorse the draft Deed of Agreement between the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove and SHINE Community Services for the provision of support services to aged persons and people with disabilities.

Background

In 1997 the Town of Claremont entered an agreement for the provision of support services to aged persons and persons with disabilities with the Towns of Cottesloe and Mosman Park, the Shire of Peppermint Grove and the then Aged Persons" Support Service Inc. ("TAPSS").

TAPSS was funded and supported by the Councils of Claremont, Cottesloe, Mosman Park and Peppermint Grove together with Home and Community Care Program (HACC).

In 2007 the agreement between the Combined Councils and TAPSS was assessed and a new agreement was created. This was endorsed by Council for a period of five years and renewed again in 2012. In 2014 TAPSS became known as SHINE Community Services.

SHINE Community Services provides aged care and disability services to community members in the western suburbs. They actively support people in their own homes to lead full lives. SHINE also assists seniors and people with disabilities to remain as independent as possible.

Each Council involved is represented by a Councillor who attends the SHINE Community Services Committee meetings. The budget is approved on an annual basis and the agreement on a five yearly basis. The agreement is initially approved by the Committee representatives and then it is taken to Council for approval.

The Deed of Agreement outlines the obligations of the SHINE Community Services in the provision of support services and adherence to key performance indicators, the function and power of the SHINE sub-committee (Combined Council Committee), and describes the operation of the Committee.

The existing Deed of Agreement expires on 30 June 2017 and a draft deed for the five year period 1 July 2017 to 30 June 2022 has been prepared for endorsement by each of the participating Councils.

Discussion

The review of the draft Deed commenced late last year by the Combined Council Committee with considerable focus on further clarifying measurable Key Performance Indicators. Most other changes proposed except increasing public and professional liability insurance cover were administrative and minor in nature.

Executive staff from each of the four member Councils have met to review the draft key performance indicators associated with the funding agreement and recommended that while they be agreed and referenced within the deed, the specific objectives be removed from the Deed. To respond to changing community and Council requirements, the KPI's are to be prepared and submitted annually with the draft budget for the forthcoming year.

The more significant changes in the draft Deed of Agreement include;

- Inclusion of requirement for audit opinion on Council funding – cl. 3.1(h)
- Reference to revised Key Performance Indicator development and reporting – cl. 3.2 & cl. 7
- Inclusion of Shine representative in quorum count – cl. 4.4 (c)
- Increase in public and professional liability cover to \$20,000,000 – cl. 9
- Notice period by post increased from two to seven days – cl. 15(1)(d)(i)
- Acknowledgement of Council funding – cl. 3.1(i)

The Draft Deed of Agreement has been recommended for adoption after review by the SHINE Community Services Combined Council Committee.

Council relies heavily on the services of the SHINE Community Services as the majority of their aged care services are derived from this funding. The budget is approved at a Combined Council Committee Meeting on an annual basis.

According to the 2011 Census statistics, the Town of Claremont has a total of 2771 residents (29%) that may be eligible for assistance through SHINE Community Services.

Past Resolutions

Ordinary Council Meeting 5 June 2012, resolution 85/12,

That Council approve the Combined Councils Aged Support Services Agreement as detailed in Attachment 1 to this report.

**CARRIED
(NO DISSENT)**

Ordinary Council Meeting 19 April 2005 Resolution 136/05:

That Council:

1. *Endorses the proposal that the management of TAPSS to be carried out jointly by the Combined Councils Aged Support Services Committee and the TAPSS Management Committee till the planned restructure process is complete.*
2. *Ask the Town of Cottesloe to provide management services during the restructure period.*
3. *Agrees that during the restructure period costs, other than those that relate to Council staff not employed to work at TAPSS, be borne by TAPSS, and Council staff costs be borne by the Town of Cottesloe with the opportunity for the Town to seek reimbursement should these costs become excessive.*
4. *Ask the Town of Cottesloe to assume responsibility for the provision of staff requirements for TAPSS. The structure of TAPSS Management Committee, TAPSS Constitution and the Service Agreement be reviewed with respect to this proposed change.*

*CARRIED
(NO DISSENT)*

Financial and Staff Implications

The SHINE Community Services draft 2017-18 Budget indicates a 1.5% increase in funding requirement from the four local governments. In preparing their 2017-18 draft budget, the CEO has sought input from the respective Council's Executive prior to finalising and presentation to the Combined Council Committee. As required under the Deed, once endorsed by the Combined Council Committee (proposed late May 2017), the budget is then forwarded to each Council for ratification.

The Town's draft 2017-18 draft budget currently makes provision for a contribution of \$102,000 (or \$36.80 for each eligible resident), an increase from the 2016-17 Budget allocation of \$101,000.

Policy and Statutory Implications

Local Government Act 1995

Communication / Consultation

SHINE Community Services Combined Council Committee

Strategic Community Plan

People

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

- Create opportunities for and access to social participation and inclusion in support of community health and well being.
- Develop a strategy for services and facilities for an ageing population.
- Improve the capacity of local community groups.

Governance and Leadership

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

- Identify strategic partnerships that align with the Town's vision.

Urgency

The Deed of Agreement will need to be in place prior to expiry of the current deed to ensure Council is able to continue to service seniors and disabled persons through aged care services within the Town. These services include the provision of (amongst other services) domestic assistance, personal care, in-home respite, social support, shopping bus, centre based day care, transport, podiatry, exercise classes and leisure outings.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Wood, seconded Cr Browne

THAT Council

- 1. Endorse the draft Deed of Agreement between the Towns of Claremont, Cottesloe, Mosman Park and the Shire of Peppermint Grove; and SHINE Community Services for provision of support services to aged persons and persons with disabilities for the period 1 July 2017 to 30 June 2022 as attached, and**
- 2. Authorise the Mayor and Chief Executive Officer to execute and assign the Town's Common Seal to the Deed of Agreement.**

**CARRIED(69/17)
(NO DISSENT)**

13.4 INFRASTRUCTURE

13.4.1 FRESHWATER BAY PRIMARY SCHOOL - TWO SCHOOL CROSSINGS

File Ref:	4682
Attachment:	Community Feedback
Responsible Officer:	Saba Kirupanather Executive Manager Infrastructure
Author:	Nick King Manager Engineering Services
Proposed Meeting Date:	16 May 2017

Purpose

For the Council to approve two children's crossings, allocate funding in 2017-18 budget and to receive the Traffic Management Plan from the Freshwater Bay Primary School.

Background

Freshwater Bay Primary School in March 2014 applied to the Children's Crossing & Road Safety Committee (CC&RSC) to seek approval for two children's crossings on Princess Road between Bay View Terrace and Chester Road, and Bay View Terrace between Park Lane and Princess Road.

Both of these approvals were conditionally endorsed by the Town of Claremont, noting that the Town could not commit any funds towards the design or construction of the children's crossing if approved by the CC&RSC. This was due to the fact that the final approval would need to be given by Claremont Council.

No further action was taken once the final approval was given for both crossings, as Freshwater Bay Primary school changed the Principal around this time.

The crossings were revisited in early 2016 when the administration was contacted by the School's Principal at the time.

After discussions between the school and the Town's officers, it was decided that due to the lapsed time since the approval, it was best to have another onsite meeting with the CC&RSC. The onsite meeting concluded that the school crossing on Princess Road was reaffirmed, and should be installed as soon as practicable once Council approval was given.

There was no further amendments to the proposed Bay View Terrace crossing, however it was confirmed that the original approval still stands.

At the Ordinary Council Meeting on 15 November 2016, the Council voted in favour of both crossings and to consider funding as part of its mid-year budget review. There was also a "Request the school work with the Town to develop a Traffic Management Plan in time for the mid-year budget review".

Discussion

Freshwater Bay Primary School in early 2014 applied for the two school crossings as it believed its students needed two safer crossing points to enter and exit school each day. The locations of the children's crossing are in front of the Freshwater Bay Primary School in Princess Rd (between Bay View Tce and Chester Rd) and also in Bay View Tce (between Princess Rd and Park Lane).

Both crossings were approved as Type A Children's crossings where for a primary school a minimum of 20 students and 200 vehicle movements occur within the hour immediately before and immediately after school.

Both of the proposed crossings are within school zones with a speed limit of 40km/hour during school times. The speed limit signs are now upgraded to electronic flashing speed zone signs.

The on road parking will be impacted near the crossing locations. The Town had concerns that loss of parking may have a significant negative effect on adjoining residents, business and school parent users.

The final preferred locations were agreed between the school and the Town on site with the consent of the CC&RSC (the attached plan shows the preferred and agreed locations). In Princess Road nine bays will be lost during school start and finish times and three bays will be lost all day. In Bay View Terrace seven bays will be lost during school start and finish times and four bays will be lost all day.

Public were consulted and the feedback is in the attachment. The feedback is mostly in favour and one against due to loss of parking.

The standard practice through all Children's Crossing installations around WA is that the local government approves the crossing locations in the road reserve approved by the CC&RSC and bears the whole cost of the design and installation, where Main Roads WA will maintain the infrastructure after installed, excluding the parking signage.

The 85th percentile speed in Princess Road (between Bay View Terrace and Chester Road) and in Bay View Terrace (between Princess Road and Park Lane) during school times are 43.9km/h and 47.8km/h respectively and in other times are 54.5km/h and 54.3km/h.

There are no reported accidents in the last five years in the above locations.

As per current Australian Guidelines (Kidsafe), primary school children should be accompanied by parents, especially when crossing the road. Parents and the school should educate and create more child awareness for road crossing.

The Traffic Management Plan submitted by the school is in the attachment.

Past Resolutions

Ordinary Council Meeting [15 November 2016],

That Council

1. Approve the children's crossing in front of the Freshwater Bay Primary School in Princess Rd (between Bay View Tce and Chester Rd) and in Bay View Tce (between Princess Rd and Park Lane) approved by the Children's Crossing & Road Safety Committee,
2. Consider funding the crossing as part of the mid-year budget review;
3. Inform the Freshwater Bay Primary School and Children's Crossing & Road Safety Committee about the Council decision.
4. Request the school work with the Town to develop a Traffic Management Plan in time for the mid-year budget review. Reason: To provide crossings for primary school students to safely cross the roads to access the primary school.

CARRIED(184/16)

Financial and Staff Implications

Two crossings are estimated to cost the Town approximately \$50,000 in total. Funding to be considered in the 2017-18 budget.

Policy and Statutory Implications

Parking Local Law 2016, Main Roads WA standards,
A Parent's Guide to Kidsafe Roads 2011 edition - is a publication of the Child Accident Prevention Foundation of Australia (Kidsafe).

Communication / Consultation

The Council consulted the street of Bay View Terrace between Park Lane and Princess Road, and Princess Road between Bay View Terrace and Chester Road. See attachment 1, showing feedback from affected residents.

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.

- Maintain and upgrade infrastructure for seamless day to day usage.

Urgency

N/A

Voting Requirements

Simple majority decision of Council required.

Moved Cr Goetze, seconded Cr Mews**That Council**

1. **Confirm the Approval of the children's crossing in front of the Freshwater Bay Primary School in Princess Rd (between Bay View Tce and Chester Rd) and in Bay View Tce (between Princess Rd and Park Lane) approved by the Children's Crossing & Road Safety Committee, as per drawing number 15029-1-D.**
2. **Fund the crossings as part of the 2017-18 budget (\$50,000).**

**CARRIED(70/17)
(NO DISSENT)**

13.4.2 UPGRADE OF INFORMAL CAR PARK FOR GOLF COURSE AND ASPIRE GYM - LAPSLEY ROAD

File Ref: COP/00074

Attachment: [Summary shown in spreadsheet](#)
[Areal Plan](#)
[Individual comments](#)

Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure

Author: Nick King
Manager Engineering Services

Proposed Meeting Date: 16 May 2017

Purpose

For Council to consider the community comments and approve the upgrade of the informal car park, for the Golf Course and Aspire Gymnasium, off Lapsley Road, Claremont.

Background

The golf course redevelopment was approved by Council as a confidential item at its OCM on 2 February 2016.

Of the \$1m allocated for the golf course upgrade, an amount of \$85,000 was set aside for the car park upgrade works. This is to upgrade the informal parking area on the north east side of the golf course and gym building.

Works began on the car park on Monday 10 March 2017, with the digging out of the informal parking area and replacing with a limestone base. Complaints were received from two residents on Lapsley Road, living opposite the car park, about the lack of consultation.

Following these initial complaints, a few more complaints were also received, noting the lack of consultation and location of access to the car park. A site meeting was held with a few residents and owners. Works ceased immediately, so that consultation could be undertaken with all residents on Lapsley Road between Davies Road and Elliott Road.

At the site meeting alterations to the existing on road and on verge parking restrictions on Lapsley Road were also discussed. It was agreed this will be reviewed in future with their comments taken on board.

Letters were sent seeking comments from residents and owners on Lapsley Road on Thursday 13 April 2017, with residents given time until Friday 28 April 2017 to respond to the letters.

Three options were noted in the letters as below; with residents having to choose which option they prefer.

	Option 1	Option 2	Option 3
Parking Bays	25	21	18
Cost per Bay	\$3240	\$4048	\$7165
Total cost	\$81,000	\$85,000	\$129,000

Discussion

The informal car parking area was previously used by staff and patrons of the gym and golf course, where it was accessed from Lapsley Road opposite numbers 15 and 17 Lapsley Road. Due to the informal nature of the car park there was no suitable surface or drainage which at times created dust and bogging issues.

The three options sent to the residents were similar in using the same footprint of area to maximise parking bays and minimise cut and fill material to construct the car park. All three options include the same construction methodology using limestone as a base course, asphalt as a final wearing course and no drainage installation, with the idea that the water will flow west onto the existing grass area.

Option 1 in the attachment shows the amount of bays being 25 (23 standard and 2 ACROD bays), with the total cost estimated at \$81,000. This proposal included moving the existing entry/exit approximately by 5.0m to the west, to maximise the amount of parking bays.

Option 2 shows the amount of bays being 21 (19 standard and 2 ACROD), with the total cost estimated at \$85,000. This proposal uses the existing entry/exit, where four parking bays are lost due to the turning movement needed for entry and egress.

Option 3 shows the amount of bays gained being 18 (23 total bays installed in car park with 21 standard and 2 ACROD, as well as 5 bays being lost), with the total cost estimated at \$129,000 due to the additional earthworks and retaining needed between the existing car park and proposed car park. This proposal uses the entry/exit of the existing car park which will also need to be widened slightly. Three parking bays will be removed in the existing car park and two bays will be lost in the proposed car park.

Total responses received from the consultation were eight of which two were in favour of option 1, none were in favour of option 2 and six were in favour of option 3. The attached plan shows the responses received with selected option by each house number.

Past Resolutions

Golf course redevelopment adopted by Council at its OCM on 2 February 2016 (confidential item).

Financial and Staff Implications

Available funding in the Golf Course redevelopment project for the proposed car park is \$85,000.

If option 1 or 2 are chosen, no further funds will be needed.
If option 3 is chosen, a further \$44,000 will need to be considered.

Policy and Statutory Implications

Australian Standards.

Communication / Consultation

Consultation undertaken previously.
Council decision will be communicated to all owners and occupiers in Lapsley Road between Davies Road and Elliott Road.

Strategic Community Plan

Liveability

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

Urgency

To complete the car park works by early June 2017.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Edwards

That Council approves Option 1 and proceed to construction, 23 standard bays and 2 acrod bays, at a total cost estimated of \$81,000.

CARRIED(71/17)

For the Motion: Mayor Barker and Crs Tulloch, Edwards, Haynes, Goetze, Mews, and Browne.

Against the Motion: Crs Wood and Main.

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Haynes reported on his attendance at the Goods Shed for the opening of an art exhibition.

Cr Main reported on her attendance at the Goods Shed for the opening of an art exhibition and cake bake.

Cr Wood reported on her attendance at Shine open day.

Mayor Barker on behalf of Council congratulated Cr Edwards and his wife Elizabeth on the arrival of their son Joseph.

15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1.1 NOTICE OF MOTION – CR MEWS****Proposed Meeting Date: 16 May 2017**

Moved Cr Mews, seconded Cr Browne

Location: Traffic light stop at South West Cnr Stirling Hwy and Queenslea Drive.

That**The Town of Claremont prepare a report to facilitate the following:**

- a) Paint green, a portion of the road at Queenslea Drive a distance of one car length back from the pedestrian crossing white lines in both lanes.**
- b) Paint a Stylised bicycle in White over the green and a separate stylised child between the white lines on the pedestrian section.**
- c) Put a sign “ watch for left filter” or similar wording on the left hand traffic light post.**

Reasons.

1. Ensure optimum safety for pedestrians crossing Queenslea Dr and for cyclists waiting at the lights to cross or turn left into Stirling Hwy.
2. Allow motorists to be able to see the traffic light signals at the Queenslea Drive side.[SW corner]
3. To allow a separate buffer space for CCGS and MLC students, cyclists and pedestrians from the vehicles stopped at the intersection.
4. To eliminate the need for a Type 'A' crosswalk opposite 10 Queenslea Dr.

**CARRIED(72/17)
(NO DISSENT)**

Background: Currently, motorists stopped in this position can only see the traffic light at the other side of the intersection [North West Corner] this is because the traffic light is directly above the first vehicle in each lane and the green turn left arrow can't be seen by the driver.

Additionally, cyclists have no space when waiting for the signals to change and have to wait on the pedestrian section or in between and in front of, cars stopped at the lights.

Officer Comment:

The Town's officers met with Main Roads WA's technical officer for our district, at the intersection of Stirling Highway, Queenslea Drive and Stirling Road, at 3 pm on Monday 13 Feb 2017, during the school closing time in the afternoon.

The site meeting was mainly to assess the crossing issues and crossing pattern of students, the intersection upgrade and similar questions raised in the notice of motion.

The officer was satisfied with the intersection upgrade with enhanced pedestrian crossing facilities completed in the last eighteen months jointly funded by Main Roads WA and the Town. Also the officer confirmed that there will be another “zebra crossing” on the north west side of the intersection.

The officer commented that there is no need to shift the stop line by one car distance in Queenslea Drive. The first car driver could clearly see the traffic lights on the opposite side (north west) and the remaining cars could see both the traffic lights (south west and north west). The width of the east west crossing on the south side of the intersection is adequate for the number of students crossing and not dissimilar to other intersections in the Perth metro area. Also the officer commented regarding “watch for left filter” sign and said that this intersection is not dissimilar to other intersections in Perth metro. In addition this particular intersection has exclusive “green person” time for pedestrians to cross in the north south direction on the west side with red left turn arrow for cars.

All the signs and line marking are under the jurisdiction of Main Roads WA, except for line marking and signage for parking. There will be a cost to Main Roads WA to modify the signage and line marking, paint in green with symbols, relocate the traffic detector loops and the traffic poles and lanterns.

The Town has now written to Main Roads WA to review the issues raised in the “Notice of Motion”. The Council could decide to request the WA Police Minister to review the issues raised in the Notice of Motion”.

15.1.2 NOTICE OF MOTION – CR WOOD**Proposed Meeting Date: 16 May 2017**

That Council change the land use of Lot 90 Fern Street from residential to parks/recreation, to preserve the area for this purpose.

ALTERNATIVE MOTION**Moved Cr Wood, seconded Cr Haynes**

That a report with scheme amendment documentation be prepared for the rezoning of lot 90 Fern Street from Residential R20 to 'Local Reserves-Recreation' and submitted to Council before the end of June 2017.

**CARRIED(73/17)
(NO DISSENT)**

Officer Comment

The following comments are contained in the Amendment No. 134 report to Council as part of Agenda Item 13.2.2.

Lot 90 Fern Street

One of the submissions raised the question of Lot 90 Fern Street. Lot 90 is currently zoned 'Residential R20' and is owned in freehold by the Town. While no rezoning of this lot is currently proposed, it was considered in the initial report to Council, as follows:

Lot 90 Fern Street is owned by the Town in freehold. It appears that the land was acquired for the purpose of allowing a road connection through to Mitford Street however was ultimately not required for this, and the road was constructed under its present alignment to the immediate west. The land has been treated as public open space by local residents and contains a number of mature trees. The site is valued by members of the local community, many of whom have successfully sought to retain the site as vacant land when Council previously considered its sale.

The lot is 685m² in area and has a likely value of in the order of \$1m if sold on the open market (a formal valuation has not been sought).

Reserving this lot as 'Local Reserves - Recreation' would mean the lot will remain as parkland in the future. In determining whether to include this lot into the amendment, Council should consider the relative benefits to the community of retaining the land as is or selling it and using the proceeds to improve other facilities in the Town. There may however be some potential for this land to be swapped with other State owned land. This would require detailed investigation and could be considered in the future should Council wish to pursue the application of a Local Open Space reservation on the land at another time.

Rezoning of Lot 90 could be incorporated into Amendment No. 134 as a modification (although readvertising would be required), however this is not

recommended as the property has a significant role to play in the Town's long term financial management (as detailed above). If Council wishes to consider rezoning of this lot it should be done separately, fully taking into account these matters in a strategic manner.

It is recommended that this matter be addressed separately subject to a report being presented to Council to analyse the financial implications of the proposed motion and further explore opportunities for a land exchange with the State Government. For example, the proceeds for the sale of the property for residential development could provide valuable funds to finance other strategic projects such as assisting in the provision of underground power in the area, or purchase (possibly including a land exchange) of other strategically important properties in the Town which may significantly benefit the Town's asset position for both current and future residents.

Amendments to TPS3 of this nature are often controversial, with competing views from both those adjacent who may benefit from securing the land as a local park, and those who consider the broader financial and strategic objectives for the Town as a whole. It is noted that once Council initiates an amendment to TPS3 on this matter, the final decision on whether to proceed with the amendment will be with the Minister for Planning. For this reason, should Council wish to progress this matter, it would be appropriate to informally advertise the proposal to gain a full appreciation of community views relative to an amendment prior to a formal resolution to initiate a scheme amendment.

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

Item 17.1.1, Enterprise Agreement 2017 -2020.

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**MOTION TO CLOSE DOORS****Moved Cr Haynes, seconded Cr Edwards**

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 these matters:

(a) A matter affecting an employee or employees.

**CARRIED(74/17)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:58PM.

Mayor Barker reconvened the meeting at 7:59PM.

ATTENDANCE**Mayor Barker****Cr Chris Mews****Cr Jill Goetze****Cr Peter Browne****Cr Karen Wood****Cr Peter Edwards****Cr Alastair Tulloch****Cr Bruce Haynes****Cr Kate Main****South Ward****South Ward****West Ward****West Ward****West Ward****East Ward****East Ward****East Ward****Mr Stephen Goode (Chief Executive Officer)****Mr Liz Ledger (Deputy Chief Executive Officer)****Mr David Vinicombe (Executive Manager Planning and Development)**

17.1 CHIEF EXECUTIVE OFFICER**17.1.1 ENTERPRISE AGREEMENT 2017 -2020**

File Ref: PER00098
Attachments: [Draft Enterprise Agreement](#)
Responsible Officer: Liz Ledger
Executive Manager People and Places
Author: Liz Ledger
Executive Manager People and Places
Jillian Sargeant
Human Resources Advisor
Proposed Meeting Date: 16 May 2017

Purpose

The following item was considered in closed session.

Moved Cr Haynes, seconded Cr Browne

That Council supports the Town's proposed offer for the new Enterprise Agreement 2017-2020 as a final offer to the Town's employees covered under this Agreement.

CARRIED(75/17)

For the Motion: Mayor Barker and Crs Tulloch, Haynes, Edwards, Goetze, Browne, Wood, and Main.

Against the Motion: Cr Mews.

MOTION TO OPEN DOORS

Moved Cr Haynes, seconded Cr Edwards

That the doors be opened.

**CARRIED(76/17)
(NO DISSENT)**

The doors opened at 8:21PM.

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, 6 June 2017, at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 8:22pm.

Confirmed this day of 2017.

PRESIDING MEMBER