



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 1 MARCH, 2016

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
1 MARCH, 2016
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 Karen Wood

West Ward

Cr Peter Edwards

West Ward

Cr Peter Browne

West Ward

Cr Paul Kelly

South Ward

Cr Chris Mews

South Ward

Cr Bruce Haynes

East Ward

Cr Kate Main

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Liz Ledger (Executive Manager People and Places)

Ms Katie Bovell (Governance Officer)

One member of the public

One member of the press

APOLOGIES

Cr Alastair Tulloch (Leave of Absence)

Cr Jill Goetze (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

The Chief Executive Officer tabled a written presentation from a proponent in respect to confidential item 17.1.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

NIL.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS**8.1 PETITION****8.1.1 FRESHWATER PARADE, CLAREMONT - RESURFACING**

Moved Cr Mews, seconded Cr Wood

That the petition be received for action by the Chief Executive Officer.

**CARRIED(26/16)
(NO DISSENT)**

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Browne, seconded Cr Main

That the minutes of the Ordinary Meeting of Council held on 16 February 2016 be confirmed.

**CARRIED(27/16)
(NO DISSENT)**

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

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

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL.

12 REPORTS OF COMMITTEES

12.1 AUDIT AND RISK MANAGEMENT COMMITTEE

12.1.1 APPOINTMENT OF AUDITOR

File Ref:	GOV/00054
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Les Crichton Executive Manager Corporate and Governance
Proposed Meeting Date:	01 March 2016

Purpose

Report recommends Council appoint Auditor for three years commencing the 2015-16 financial year.

Background

In December 2012, Council appointed David Tomasi and Greg Godwin of UHY Haines Norton (changed its name to Moore Stephens on 1 July 2015 as a result of a merger) as Council's auditor for the three years 2012-13 to 2014-15 inclusive. This contract expired on completion of the 2014-15 Audit and receipt of the 2014-15 Audit and Management Reports in October 2015.

Council will need to appoint, an Auditor to undertake audit services for the 2015-16 financial period onwards.

Appointment of an Auditor was considered by the Audit & Risk Management Committee meeting held 19 February 2016.

Officer Recommendation & Committee Resolution

That the Audit Committee recommend Council appoint Wen-Shien Chai, David Tomasi and Greg Godwin of Moore Stephens as auditors for the Town of Claremont for a period of three years commencing 1 July 2015 to undertake;

1. Annual audits at the following rates;

2015-16	\$18,000
2016-17	\$18,500
2017-18	\$19,000

2. Financial Management Review;

2015-16	\$5,000
2016-17	\$5,000
2017-18	\$5,000.

The *Local Government Act 1995* requires local government authorities appoint an auditor, on recommendation of audit committee, for a period not exceeding five years.

In addition to the annual audit, the specification request also included provision of an annual financial management review for each year of appointment. The CEO is required to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 years). While this is undertaken internally by Council's administration, provision of regular external review provides greater oversight and rigour to these reviews. A separate report outlining the findings of the review will be prepared by the engaged supplier and provided to the Audit Committee and Council.

As the total supply costs over a three year period is expected to fall within the \$50,000 to \$100,000 range, Council's Procurement Policy requires a formal request for quotes from at least three suppliers, engagement through WALGA preferred suppliers, or under State Government Common Use Agreements.

Discussion

A Request for Quotes has been sought from audit service providers included on the WALGA Preferred Suppliers list. The request has been processed through WALGA's online 'e-Quotes' system with the service request, supplier queries, supplier responses and the evaluation process is managed within the e-Quote portal.

The proposals were assessed against the assessment criteria by the Executive Manager Corporate & Governance and Manager Finance and summarised in the below Table 2.

<u>Assessment Criteria</u>	<u>Weighting</u>
Value for money	25%
Resources (capacity to complete)	20%
Key personnel skills & experience	35%
Methodology	20%

	Value for money (25%)	Resources (20%)	Key personnel skills & experience (35%)	Methodology (20%)	Weighted Score
Macri Partners	7	8	9	8	8.10
Butler Settineri	10	8	8	8	8.50
PKF Audit	8	9	5	8	7.15
Moore Stephens	9	9	9	8	8.80

Recommendation

Based on the above assessments of the four options, the Audit and Risk Management Committee recommend Moore Stephens be appointed as auditor for the next three year term.

Moore Stephens has been Council's auditors since 2006-07 and were reappointed for further terms in 2009-10 and 2012-13. The partners have been long term participants in the evolution of local government financial management particularly during introduction of AAS27 accounting standards in 1995 and continue to provide input to the Department of Local Government on regulation amendments relating to finance.

While awarding the service to Moore Stephens provides no direct alternate perspective on the Town's financial management processes and position, it should be noted that this was achieved during the period of the last audit contract with appointment of Wen-Shien Chai as auditing partner for the Town. This was previously held by David Tomasi who, while continuing as an auditor to the Town if Moore Stephens is appointed, does not head up or direct the audit as is the function of the assigned partner.

Moore Stephens has overseen the significant turnaround of financial management during its period of engagement, utilises the most collective years of local government audit experience, and maintains efficiency gains through the sound understanding of Town's financial systems, processes, procedures and issues as its current auditors.

Past Resolutions

Ordinary Council Meeting 18 June 2013, 111/13:

Appointment of Wen-Shien Chai of UHY Haines Norton as additional Town auditor.

Ordinary Council Meeting 4 December 2012, 226/12:

Appointment of David Tomasi & Greg Godwin of UHY Haines Norton as the Town's auditors.

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995 – Division 2 Appointment of Auditors.

Local Government (Audit) Regulations 1996.

Local Government (Financial Management) Regulations 1996.

Town of Claremont Procurement Policy RCR226.

Communication / Consultation

Nil.

Strategic Community Plan

Governance and Leadership

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

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

Urgency

With the 2014-15 audit now complete, appointment of an auditor for a further term will enable a smooth transition into the 2015-16 audit task.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

Moved Cr Haynes, seconded Cr Kelly

That Council appoint Wen-Shien Chai, David Tomasi and Greg Godwin of Moore Stephens as auditors for the Town of Claremont for a period of three years commencing 1 July 2015 to undertake;

1. Annual audits at the following rates;

2015-16	\$18,000
2016-17	\$18,500
2017-18	\$19,000

2. Financial Management Review at the following rates;

2015-16	\$5,000
2016-17	\$5,000
2017-18	\$5,000.

**CARRIED BY AN ABSOLUTE MAJORITY(28/16)
(NO DISSENT)**

12.1.2 2015 COMPLIANCE AUDIT RETURN

File Ref:	GOV/00054
Attachments:	Claremont - Compliance Audit Return 2015
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Les Crichton Executive Manager Corporate and Governance
Proposed Meeting Date:	1 March 2016

Purpose

Report recommends Council adopt the 2015 Compliance Audit Return.

Background

The Compliance Audit Return (CAR) is a statutory document which the Mayor and Chief Executive Officer certify that Council has complied with targeted sections of the *Local Government Act 1995* (and associated regulations) over the past calendar year. The CAR enables administration to report on, and Council to monitor, the organisation's compliance in meeting its statutory requirements.

At its meeting of 19 February 2016, the Audit & Risk Management Committee considered the 2015 Compliance Audit Return.

Officer Recommendation and Committee Decision

That the Audit and Risk Management Committee recommend Council adopt the 2015 Compliance Audit Return as presented.

Discussion

The CAR has been completed in accordance with requirements which detail;

- The CAR must be reviewed by Council's Audit and Risk Committee prior to adoption by Council.
- The Chief Executive Officer may delegate the responsibility to complete any sections of the CAR to another person or persons, the name of who is recorded within the return.
- The adopted CAR, together with a copy of relevant section of the Council minutes, and associated documentation are to be forwarded to the Department of Local Government by 31 March of each year.

Completion of the CAR included checking of Council minutes, registers, files and clarifying matters with relevant staff. This review was completed in-house and reviewed by the Executive Team. Further to review by the Audit & Risk Management Committee, the response to Item 14, page 3 was amended to correctly reflect the declaration of disclosure of interest by the CEO relative to a report considered by Council on his remuneration review in March 2015.

No areas of non-compliance were identified.

Past Resolutions

Ordinary Council Meeting 3 February 2014, Resolution 2/15,

That Council adopts the 2014 Compliance Audit Return.

Ordinary Council Meeting 18 February 2014, Resolution 11/14,

That Council adopts the 2013 Compliance Audit Return.

Financial and Staff Implications

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

Local Government Act 1995 s.7.13(i).

Local Government (Audit) Regulations 1996 cl 13-16.

Communication / Consultation

The Return is completed in consultation with various business units and overseen by the Executive Leadership Team.

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

Local authorities are required to submit completed Compliance Audit Returns for the calendar year by 31 March of the next year.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Haynes, seconded Cr Edwards

That Council adopts the 2015 Compliance Audit Return.

**CARRIED(29/16)
(NO DISSENT)**

13 REPORTS OF THE CEO

13.1 PLANNING AND DEVELOPMENT

Items 13.1.1 to 13.1.3 were carried en bloc.

13.1.1 FINAL ADOPTION OF SCHEME AMENDMENT NO. 123 – CHANGES TO PARKING PROVISIONS AND LOCAL PLANNING POLICIES ON PUBLIC PARKING AND BICYCLE PARKING

File Ref: LND/00099

Attachments Public: [Draft Scheme Amendment No. 123](#)
[Draft Local Planning Policy PS205 – Public Parking](#)
[Draft Local Planning Policy LV127 – Bicycle Parking and Facilities](#)

Responsible Officer: David Vinicombe
Executive Manager Planning and Development

Author: Josh Wilson
Urban Planner

Proposed Meeting Date: 1 March 2016

Date Prepared: 19 February 2016

Financial Implications: Cash-in-lieu under Parking Reserve Fund

Enabling Legislation: *Planning and Development Act 2005 (PDA)*
Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)
Town Planning Scheme No. 3 (TPS3)

Summary

- Scheme Amendment No. 123 – *Changes to Parking Provisions* was initiated by Council on 7 July 2015 along with draft Local Planning Policy PS205 - Public Parking and LV127 - Bicycle Parking and Facilities.
- Advertising for all three proposals commenced on 18 December 2015 and closed 18 February 2016. No submissions were received.
- Recommend that Council:
 - Support Scheme Amendment No. 123 without modification and forward it to the Minister for Planning for final approval.
 - Proceed with Local Planning Policies PS205 and LV127 without modification and upon gazettal of Amendment No. 123, place a Notice in the local newspaper to finalise these policies.

Purpose

For Council to consider final adoption of proposed Amendment No. 123 to TPS3 and proceed with the accompanying Local Planning Policies on Public Parking and Bicycle Parking and Facilities, once Amendment No. 123 is gazetted.

If Council supports Amendment No. 123 it will be forwarded to the Minister for Planning for final approval. Local Planning Policies do not require further approval and will have effect upon publication of a notice in a local newspaper.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
5 June 2012	Council resolves to amend TPS3 parking provisions and created 'parking licences' as an interim measure.
19 June 2012	Council amends previous resolution regarding licences.
3 July 2012	Further changes to parking licences agreed to by Council.
17 September 2013	Parking licence arrangement extended by Council.
3 June 2014	Council considers proposed changes to licence requirements and draft Amendment No. 123 but amendment is referred back to administration for further refinement.
21 October 2014	Report requiring licence fee for parking to be paid supported by Council.
7 July 2015	Council initiates draft Amendment No. 123 and supporting policies.
29 October 2015	Amendment No. 123 referred to EPA for consent to advertise.
18 November 2015	EPA response received.
18 December 2015	Advertising commenced.
18 February 2016	Advertising closed (60 days).
19 February 2016	Report prepared for Council.

Past Resolutions

Ordinary Council Meeting 7 July 2015, Resolution No. 116/15:

- 1) *Modify the use class classification under Table 1 – Land Use Table by Car Parking in the Town Centre zone, from “X & P*” to “AA”, together with removing Car Park from the use class allocations under Sub-clauses (1) and (2) of Clause 6 Disposition of Uses.*
- 2) *Add an additional Note to Table 2 – Development Table as follows:
“Car parking requirements are to be measured to the nearest whole number.”*
- 3) *Amend Clause 30 to provide for ‘status quo’ recognition of parking standards for existing development by deletion of the words “car parking spaces of the number required by the scheme shall be” and by adding the words “and the alteration results in additional usable area and/or creates an additional demand for car parking, the additional bays” as follows:
“Where:
(1) *land is developed by any substantial reconstruction, alteration or any addition to a building on that land, or*
(2) *the nature of the use made of the land is changed and the alteration results in additional usable area and/or creates an additional demand for car parking, only the additional bays shall be required accordance with the Scheme.”**
- 4) *Amend Clause 31(2) to remove reference to “Appendix III” and “appropriate diagram contained in the Appendix” and replace these references with “relevant Australian Standards” as follows:*

“Those car parking spaces and access ways to those spaces shall not be of lesser dimension than those specified under the relevant Australian Standards and shall be laid out together with required access aisles in accordance with those standards.”

- 5) Delete “Appendix III – Dimensions of Car Parking” from the Scheme.
- 6) Amend Clause 31A(1) and (2) by combining them under Clause 31A(1) for clarity modified as follows:

“Notwithstanding Clause 31(1) and the requirements of Table No. 2 relating to the number of car parking spaces to be provided, the Council may in its discretion approve the development of land for the purpose of:

- (a) *a Retail Store;*
- (b) *a Shop (Intermediate); or*
- (c) *a Shop (Small)*

with a reduced number of parking bays in accordance with the third column of Table No. 3, provided the parking layout is in accordance with the first and second columns of Table No. 3.”

- 7) Rename Table 3 – Car Parking Space under existing Clause 31A(2) (to be changed to Clause 31A(1)) to “Table 3 - Car Parking Space under Clause 31A(1) and modify reference “Appendix III” to “relevant Australian Standards.”
- 8) Replacing existing Clause 31A(2) with a new Clause 31A(2) which allows for parking concessions to apply to the minimum parking requirements achievable under the provisions of Town Planning Scheme No. 3 as follows:

“Notwithstanding other parking concessions achievable for non-residential development under this Scheme, Council at its absolute discretion may apply further parking concessions for non-residential development (excluding educational establishments) of up to 35% where it is considered that proposed land use or development suitably satisfies the performance criteria contained in Table 4 – Additional Car Parking Concessions.

Table 4 – Additional Car Parking Concessions

Car Parking Concession	Performance Criteria
5%	<i>The proposed development is within 400m of a rail station and customers/staff are likely to use the train to access the development.</i>
5%	<i>The proposed development is within 100m of a stop on a high frequency bus route and customers/staff are likely to use the bus to access the development.</i>
5%	<i>The proposed development is within 400m of a public car park.</i>
5%	<i>The proposed development provides 10 bicycle bays or more and where ‘end-of-trip facilities’ are provided as recommended under a Local Planning Policy adopted under the provisions of the Scheme and customers/staff are likely to use bicycles to access the development.</i>
5%	<i>The proposed development is located within Town Centre or Local Centre zone and provides a public benefit, compliments the character of the zone and does not adversely impact the amenity of the locality.</i>
5%	<i>Where the building/place is listed on the Town’s Heritage List, Municipal Inventory or the State Register of Heritage Places (subject to the building or place being conserved to the satisfaction of Council).</i>

5%	<i>The proposed development contains parking controls which monitor and control use through boom-gates (or similar) and ticket issuing machines.</i>
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- Notes: 1. *Distances referred to in this table are measured along constructed footpaths or verges of road reserves, not 'as the crow flies'.*
2. *The applicant shall be required to submit a Peak Parking Demand Survey to satisfy Council that the granting of parking concessions under this clause will not result in parking shortfalls for the proposed development.*
- 9) *Add a new Clause 31A(8) to provide for and recognise reduced parking requirements in accordance with proposed Clause 31A(2) as interim arrangements to the provision of the required parking bays under Town planning Scheme as follows:*
- "If the Council has granted an interim parking concession in accordance with Clause 31A(2) in respect of a development of land, and application is made to Council for reconsideration of the parking requirements under the Scheme, the Council may consider any revised parking requirement as satisfying the parking requirements of the Scheme as if the application for the development was then before the Council for determination. The reduced parking requirement shall be taken into account as satisfying the final parking requirements of the Scheme."*
- 10) *Delete existing Clause 31A(3) and add a new Clause 31A(3) as follows:*
- "Council, in considering the merits and application of parking concessions relative to non-residential land use and development proposals under Clause 31A(2) and the value of cash-in-lieu for parking bay construction under Clause 33(1)(a), is to take into consideration any Local Planning Policy which is adopted under the scheme and is applicable to public parking."*
- 11) *Delete existing Clause 31A(4) relating to existing parking concessions and Clause 32 relating to parking bay location together with adding a new Clause 31A(4) which formalises reciprocal parking opportunity on site and on other land sufficiently close to the development:*
- "Council may consider joint use of car parking facilities in satisfaction of parking requirements for non-residential development under the scheme as follows:*
- (a) *Parking facilities may be provided jointly by two or more owners or users of land or by one owner or user in respect of separate buildings or uses, subject to the satisfaction of the standards and requirements hereinafter set out in this sub-clause.*
- (b) *If there is a deficiency in the number of parking spaces provided to serve any building or use, the Council may permit the parking spaces for that building or use to be provided jointly with any one or more other buildings or uses whether or not those others separately have the prescribed number of parking spaces provided that the peak hours of operation of the buildings or uses so sharing are different and do not substantially overlap.*

-
- (c) *The Council may require that reciprocal access and circulation arrangements are provided for any buildings or uses affected by this sub-clause when, in the opinion of the Council, such arrangements are deemed necessary to improve design or amenity.*
- (d) *The combined supply of car parking is considered by Council to be sufficient to meet the estimated peak combined demand and the location of parking is considered to be within close proximity and accessible from the development site, to the satisfaction of Council.*
- (e) *The Council may require an agreement to be prepared by a solicitor at the expense of the person seeking to take advantage of the provisions of this sub-clause, detailing the relevant issues of the joint usage, and executed by all parties concerned. Any such agreement shall be capable of operating as an easement, an easement in gross and/or a restrictive covenant against any land providing parking spaces, reciprocal access or circulation arrangements and shall ensure that where the easement or restriction is made expressly in favour of an adjacent landowner other than the Town, that the restraint cannot be removed without the consent of the Council upon the Council being satisfied that the joint use of parking facilities is no longer required."*
- 12) *Modify the valuation calculation for cash-in-lieu parking bays under Clause 33(1)(a) to remove all reference to the value of land in the Town Centre and Local Centre zones by removing the last half of the clause following "spaces calculated" and adding the following:*
- "in accordance with the scheme inclusive of any amount the Council estimates to be the cost of providing land to accommodate those spaces within or adjacent to the Town Centre and Local Centre zones taking into consideration any Local Planning Policy which is adopted under the scheme and is applicable to public parking."*
- 13) *Delete Clause 33(2) and replace with the following new Clause 33(2):*
- "(2) The monies received by the Town under this clause shall be paid into a Parking Reserve Fund and shall only be used:*
- (a) for the provision of public parking or facilities, infrastructure and services for cyclists, pedestrians and public transport users;*
- (b) for reimbursing the Town for any expenses incurred for the purpose of this clause including any loan repayments."*
- 14) *Add a new Clause 33(3) to provide for and recognise the leasing or licensing of Council provided car parking bays as an interim arrangement to the provision of cash-in-lieu for insufficient parking bays as follows:*
- "If the Council has granted or waived a parking licence fee or granted a licence of car parking bays in a parking area or parking station under the control of the Council in respect of a development of land for any of the purposes referred to in Clause 31A(3), if during the term of the licence, or within three months after the termination of the licence by reason of the expiration of the term, or otherwise on the election of the licensee in accordance with the provisions of the lease or licence, the licensee may apply to the Council to reassess the parking requirement for the development in accordance with the provisions of this clause and the Council may do so as if*
-

the application for the development was then before the Council for determination. The waived licence fee or licence payment paid to Council for the licence of Council parking bays shall be taken into account as satisfying the final cash-in-lieu payment to Council for parking.”

Statutory Considerations

The Town is able to amend its current Town Planning Scheme under section 75 of the *Planning and Development Act 2005* (PDA). Scheme amendments are required to be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs).

The LPS Regs replace the previous *Town Planning Regulations 1967*. The LPS Regs came into effect on 19 October 2015, after this amendment was initiated. As a result, all procedural requirements undertaken after this date have been in accordance with the new LPS Regs.

Under the LPS Regs this amendment is classed as ‘complex’ (out of a 3-tier system which includes ‘basic’, ‘standard’ and ‘complex’) and requires a consultation period of no less than 60 days.

Now that consultation is complete Council has 90 days to consider any submissions and make a final recommendation to the Minister for Planning. The recommendation take into account one of the following options:

- a) support the amendment to the local planning scheme without modification
- b) support the amendment to the local planning scheme with proposed modifications to address issues raised in the submissions
- c) not support the amendment to the local planning scheme.

The recommendation must be forwarded to the Minister for Planning within 21 days of Council’s resolution after which the Minister will determine whether or not to approve the amendment.

A Local Planning Policy (LPP) must be adopted in accordance with the LPS Regs, which includes provisions that override Council’s previous requirements for LPPs under TPS3 cl.82.

Under the LPS Regs, policies must be advertised for a minimum period of 21 days or more by placing an advertisement in a local newspaper. Following advertising Council is required to consider any submissions made and resolve to either:

- (i) proceed with the policy without modification
- (ii) proceed with the policy with modification
- (iii) not to proceed with the policy.

If the policies are adopted Council is required to publish a notification of this in a local newspaper and the policies will have effect from this date.

Consultation

The amendment and policies were advertised for the same period of 60 days in accordance with the LPS Regs. A notice was placed in the Post newspaper on 18

December 2015 and letters were sent to nine commercial property owners who were granted planning approvals subject to parking licence fees. These owners were considered to be significantly affected as their planning approvals included a provision for additional parking licence fees which may need to be paid upon gazettal of the amendment.

No submissions were received.

No public authorities or service providers were consulted.

Discussion

Details of the original amendment and the reasons for each of the changes are discussed in the attached Scheme Amendment Report. Further details are contained in the previous report to Council dated 7 July 2015.

Summary

Amendment No. 123 and Local Planning Policies PS205 and LV 127 will address the longstanding issues with parking that are constraining businesses within the Town. The amendment and policies are a significant step forward for the Town to add greater flexibility to the Town's car parking requirements, grant concessions in appropriate circumstances and also to allow Council to set the rate of cash-in-lieu for parking at a realistic level which supports business growth whilst also safeguarding the long term provision of parking facilities to support this growth.

It is recommended that Council support the amendment without modification.

As the proposed LPPs are linked to the Amendment, their final adoption is dependent on gazettal of the Amendment. Accordingly, the publishing of a Notice in a local newspaper circulating the locality should be delayed until gazettal of the amendment.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Edwards, seconded Cr Mews**THAT Council:**

1. **Support Scheme Amendment No. 123 – Changes to Parking Provisions to Town planning Scheme No. 3 without modification.**
2. **Forward the Amendment No. 123 documentation to the Western Australian Planning Commission for final approval.**
3. **Proceed with Local Planning Policy PS205 - Public Parking and LV127 - Bicycle Parking and Facilities.**
4. **Upon gazettal of Amendment No. 123, publish a Notice in the local newspaper regarding finalisation of Policies PS205 and LV127, upon which time these policies will come into effect.**

**CARRIED(30/16)
(NO DISSENT)**

13.1.2 FINAL ADOPTION OF SCHEME AMENDMENT NO. 132 - CHANGES TO RESIDENTIAL DEVELOPMENT PROVISIONS

File Ref:	LND/00110
Attachments:	Scheme Amendment No. 132 documentation
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	1 March 2016
Date Prepared:	19 February 2016
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA)</i> Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs) Town Planning Scheme No. 3 (TPS3)

Summary

- Scheme Amendment No. 132 was initiated by Council on 4 August 2015.
- Advertising closed 18 February 2016. No submissions were received.
- Recommend that Council support the amendment with minor modifications and forward it to the Minister for Planning for approval.

Purpose

Scheme Amendment No. 132 proposes a comprehensive review of the residential planning controls contained within Town Planning Scheme No.3 (TPS3).

The majority of changes are to delete scheme provisions that are duplicated in the Residential Design Codes (RDC).

Council is required to consider the draft amendment within 90 days of the close of advertising and provide a recommendation to the Minister for Planning on whether to support the amendment, with or without changes.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
4 August 2015	Amendment 132 initiated by Council.
1 October 2015	Amendment documentation prepared.
28 October 2015	Referred to EPA for consent to advertise.
18 November 2015	EPA response received.
18 December 2015	Advertising commenced.
18 February 2016	Advertising closed (60 days).
19 February 2016	Report prepared for Council.

Past Resolutions

Ordinary Council Meeting 4 August 2015, Resolution No. 136/15:

Council initiate an amendment Town Planning Scheme No. 3 including the following:

1. Modify the definition of 'Dwelling (Self-contained)' in clause 10 to read as follows:

"Dwelling (Self-contained)" means a Single House, a Grouped Dwelling, a Multiple Dwelling and a Special Purpose Dwelling."

2. Delete clauses 27(1) and 27(2) relating to special application of the Residential Design Codes.
3. Delete clause 35 relating to the provision of storerooms for grouped dwelling developments.
4. Delete clauses 36(1)(a) and 36(1)(b) relating to the appearance detached structures.
5. Delete clause 36(1)(c) relating to the height and bulk of outbuildings.
6. Delete clause 36(4) relating to the maximum width of garages and carports.
7. Delete clause 36(5) relating to a parapet wall associated with a garage or carport.
8. Modify clause 36(6) to read as follows:

"The provision or use of:

(a) A car parking area (whether a garage, carport or dedicated uncovered area) at the front of a property; and

(b) Any crossover from the primary street, will not be permitted by a development approval where a practical alternative vehicle access point exists (such as from a secondary street, rear laneway or similar). This prohibition will apply notwithstanding a proposed development involves the use of a pre-existing crossover from the primary street, except where the proposed development:

(a) Is considered by the Council to be a renovation of an existing dwelling which retains the pre-existing car parking area without facilitating additional car parking, and provided the requirement to remove the crossover and provide an alternative car parking area is considered by the Council to be unreasonable; or

(b) Involves only the upgrading of an existing car parking area, provided that the proposed upgrading does not facilitate any additional car parking.

To facilitate the use of rear laneways or similar practical alternative access points, the Council may consider approving a reduced front setback for the dwelling where private open space to the rear would be significantly compromised by the requirements of this clause, having regard to the applicable design principles of the Residential Design Codes."

9. Delete clause 36(7) relating to uncovered tandem car parking bays;
10. Delete clause 36(8) relating to relaxing setback requirements for pergola structures;
11. Delete clause 36(9) relating to compliance with relevant clauses for new development;
12. Delete clause 38 relating to the amalgamation of lots;
13. Delete clauses 43(1) and 43(2) relating to the relaxation of residential setback requirements and associated consultation requirements;

14. *Modify clause 46 to remove the words 'In considering an application for planning approval' to read as follows:*
- "For development in the Residential Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:*
- (1) the retention of the Zone as an area of largely residential character with only limited non-residential exceptions;*
 - (2) the confinement of non-residential uses to those providing:*
 - (a) amenities to the residential area in which the use is to be established; or*
 - (b) services to that area which uses are compatible in scale, appearance and operation with residential uses;*
 - (3) the continuation of the domestic scale and architectural character of the area of the proposed development;*
 - (4) the preservation of the traditional housing character of the Zone;*
 - (5) the preservation of all buildings referred to in Clause 78."*
15. *Delete clause 47 relating to the development of existing undersized residential lots;*
16. *Modify clause 48(2) relating to access to streets with a high volume of traffic to read as follows:*
- "(2) Where it is proposed that a Dwelling (Self-contained) is to be constructed on a lot which has a frontage to a street which is deemed to carry a high volume of traffic by its inclusion in Appendix XI to the Scheme, and where the Council considers there to be poor visibility or safety concerns and that street provides the principal vehicular access to the lot or the design of the development is such that a vehicle is required to reverse for a distance exceeding 15 metres to exit the site, provision shall be made to permit vehicles to enter and exit the site in forward gear."*
17. *Modify clause 53 relating to bonus density provisions for heritage listed places to read as follows:*
- "(1) Where land has an R Code Density of R15 / R20 accorded to that land by the Scheme and there is a building, object or place on that land which is referred to in the Schedule maintained by the Council pursuant to Clause 78 of the Scheme Council may:*
- (i) consider the development or subdivision of that land to the density of R20 if:*
 - (a) where necessary, that building, object or place is repaired or restored to the satisfaction of the Council; and*
 - (b) in any event, the owner of that land enters into an agreement with the Council undertaking to maintain and preserve that building, object or place to the Council's satisfaction and authorising the Council to enter on that land to carry out the work necessary for that purpose should the owner fail to do so;*
 - (ii) reduce the building set-back distances prescribed by the Scheme with respect to development to those applicable to the R20 requirement and reduce the number of car parking spaces required to be provided, if the Council is satisfied in either case that to do so is necessary to protect the character of appearance of that building, object or place and to enable the development to be carried out,"*
-

- (2) *If, for any reason, the provisions of sub-clause (1) of this Clause do not apply to land to which an R Code Density of R15 / R20 is accorded by the Scheme, development of that land shall conform to the requirements of the lower R Code Density accorded to that land;*
- (3) *Where:*
Development or subdivision has occurred under Clause 53 (1); and the building, object or place referred to in that clause is demolished or damaged so as to be unfit for occupation or its original architectural form is materially altered, then no other person shall use or develop the land otherwise than in conformity with the requirements of the lower R Code Density accorded to that land;
18. *Delete clause 55 relating to access to grouped dwellings;*
2. *His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document;*
 3. *The Town of Claremont forward a copy of Amendment documentation to:*
 - (a) *The Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.*
 - (b) *The Western Australian Planning Commission for information; and*
 4. *On receipt of advice from the Environmental Protection Authority under Section 48A of the Environmental Protection Act 1986 indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations 1967 for not less than 42 days.”*

Statutory Considerations

The Town is able to amend its current Town Planning Scheme under section 75 of the *Planning and Development Act 2005* (PDA). Scheme amendments are required to be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs).

The LPS Regs replace the previous *Town Planning Regulations 1967*. The LPS Regs came into effect on 19 October 2015, after this amendment was initiated. As a result, all procedural requirements undertaken after this date have been in accordance with the new LPS Regs.

Under the LPS Regs this amendment is classed as ‘complex’ (out of a 3-tier system which includes ‘basic’, ‘standard’ and ‘complex’) and requires a consultation period of no less than 60 days.

Now that consultation is complete Council has 90 days to consider any submissions and make a final recommendation to the Minister for Planning. The recommendation take into account one of the following options:

- a) support the amendment to the local planning scheme without modification
- b) support the amendment to the local planning scheme with proposed modifications to address issues raised in the submissions
- c) not support the amendment to the local planning scheme.

The recommendation must be forwarded to the Minister for Planning within 21 days of Council’s resolution after which the Minister will determine whether or not to approve the amendment.

Consultation

The application was advertised for 60 days in accordance with the LPS Regs. Advertising included a notice in the Post newspaper and display of the amendment at Council's office and website.

No submissions were received.

Discussion

Details of the original amendment and the reasons for each of the changes are discussed in the attached Scheme Amendment Report and Table of Proposed Changes. Further details are contained in the initiation report to Council dated 4 August 2015.

Despite no submissions being received, two modifications to the amendment are proposed. These changes will not materially affect the provisions of TPS3 but will improve clarity and ensure all residential development is subject to these provisions.

The additional changes proposed are as follows:

Original proposal	Proposed changes	Reason
<p>Proposals 4 and 5</p> <p>Delete clauses 36(1)(a) and 36(1)(b) relating to the appearance detached structures.</p> <p>Delete clause 36(1)(c) relating to the height and bulk of outbuildings.</p>	<p>Delete clause 36(1) and all subclauses.</p>	<p>The original proposal will leave clause 36(1) with no subservient clauses, making it redundant. The additional text to be deleted states:</p> <p>"36 (1) Council may permit the construction of an outbuilding, including a garage or carport that is detached from the main dwelling subject to:"</p>
<p>Proposal 8</p> <p>Modify clause 36(6) to clarify parking and access requirements to primary streets where secondary street or Right of Way access is provided.</p>	<p>Delete the words "...by a development approval..." within the proposed clause</p>	<p>Modification to this clause is proposed to ensure that all residential development, whether subject to a development application or not, is captured by the access and parking requirement (i.e. to include applications for single houses which might otherwise be classified as exempt from development approval in accordance with the "deemed provisions" adopted under the new LPS Regs).</p>

The proposed changes are not considered to require additional advertising as they do not substantially alter the interpretation of the amendment.

Summary

Amendment No. 132 will greatly simplify planning requirements that relate to residential development and will delete numerous scheme provisions that are duplicated in the Residential Design Codes. Two modifications are recommended to the original amendment to improve the clarity of retained scheme provisions. It is recommended that Council support the amendment with these minor modifications.

Voting Requirements

Simple majority decision of Council required.

Moved Cr Edwards, seconded Cr Mews**THAT Council:**

1. **Support Scheme Amendment No. 132 – Changes to Residential Development Provisions to Town Planning Scheme No. 3 with the following modifications:**
 - a) **Replace proposed amendments 4 and 5 with the following:
“Delete clause 36(1) and all subclauses.”**
 - b) **Alter proposed amendment 8 by deleting the words “by a development approval” from the amended clause.**
2. **Forward the Amendment No. 132 documentation to the Western Australian Planning Commission for final approval.**

**CARRIED(30/16)
(NO DISSENT)**

**13.1.3 LOT 2 (17) GOLDSMITH ROAD, CLAREMONT - PROPOSED ADDITION
(ACTIVITY ROOM) TO EXISTING DWELLING**

File Ref:	A1905
Attachments - public:	Location and Submission Map Photograph
Attachments - restricted:	Submission Plans
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	1 March 2016
Date Prepared:	12 February 2016
Planning Application No:	DA 2016.00010
60 Days Due Date:	17 January 2016
Property Owner:	Gordon and Diane Davies
Submitted By:	Gordon and Diane Davies
Lot No.:	2
Area of Lot:	619m²
Zoning:	Residential (R15/R20)
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>

Summary

- Application for development approval received for a single storey addition to an existing dwelling.
- Proposal does not meet the 'Deemed to Comply' (DTC) requirements of the RDC relating to lot boundary setbacks (nil setback proposed in lieu of 1m).
- One neighbour was consulted and one objection was received.
- Applicant has reduced wall height on boundary from 2.7m to 2.4m in an attempt to address the neighbour's concerns.
- Application is recommended for approval, subject to relevant conditions.

Purpose

The application proposes a single-storey addition to an existing dwelling.

The application requires the Council's determination due to a neighbour objection to the proposed nil side boundary setback, which despite a number of attempts to seek agreement to modifications, has not resulted in withdrawal of the objection.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
18 November 2015	Planning Application received by Council.
25 November 2015	Internal assessment by DCU.
27 November 2015	Additional information requested from applicant.
02 December 2015	Advertising commenced.
05 December 2015	Additional information received from applicant.
16 December 2015	Advertising closed.
13 January 2016	Negotiations held with applicant to resolve objection.
10 February 2016	Revised plans received.
12 February 2016	Report prepared for Council.

The subject site is the rear part of a two unit built strata that was re-subdivided in 2015 into survey strata lots. A garage addition to the rear of the existing rear dwelling unit was approved in December 2015 (DA2015.178). The front strata lot at 17a Goldsmith Road has an approved two-storey dwelling currently under construction.

Past Resolutions

There are no past Council resolutions relevant to this application.

Heritage

The property is not listed on the Town's Heritage List.

Consultation

The application was advertised in accordance with Local Planning Policy LG525 – Advertising of Planning Applications.

The one affected neighbour was consulted who objected to the application. A summary of the submission is as follows:

Address: 17a Goldsmith Road, Claremont		
Submission	Applicant Comment	Officer Comment
The RDC is an important document and should be accorded full force and effect.	No comment.	RDC intended to provide flexibility through the consideration of 'Design Principles' assessment criteria.
The proposed addition would create a significant enclosure of my courtyard and would further overshadow it, reducing its use for gardening and outdoor recreation.	Wall height on boundary has been reduced as much as possible. Previous carport was 2.39m high and new roof (in same location) is 2.678m.	Proposed height has now been reduced to 2.4m, extending 0.6m above the existing fence and 10mm above the height of the former carport.
It is unrealistic to look at overshadowing on the basis of its percentage of the whole site. The adverse effects will	Alternative locations for the addition were looked at but were rejected due to design and access issues.	Setback variations require a 'Design Principles' assessment – see Discussion section of this report for full explanation. There is

be significant due to the small size of my courtyard.	Addition will mostly overshadow the neighbour's garden shed.	no garden shed shown on approved plans (and site inspection confirms that no garden shed is located in this location), although part of the affected area is an enclosed drying courtyard.
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A full copy of the submission is attached to this report.

Discussion

Description

The application proposes a wall on the southern lot boundary, adjacent to the southern neighbour's courtyard. The wall is 6.5m long and 2.4m high. It will extend 0.6m above the existing brick fence and 10mm above the height of a former carport in this location.

The original proposal was for a 2.678m high wall on the boundary, however this has been reduced by the applicant to reduce impact on the adjoining property.

Compliance

The proposed wall has a nil setback in lieu of 1.0m required under the DTC provisions of the RDC (cl.5.1.3 – Lot boundary setbacks).

Where a development does not meet the DTC requirements of the RDC it is required to be assessed under the 'Design Principles' (DP) and approval can be supported where the development meets these broader objectives.

The DP for cl.5.1.3 state:

"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.*

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- does not compromise the design principle contained in clause 5.1.3 P3.1;*
- does not have any adverse impact on the amenity of the adjoining property;*
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- positively contributes to the prevailing development context and streetscape."*

The proposed addition minimises building bulk by sloping the roof towards the boundary. As the wall is only 40% of the length of the courtyard and the remainder of the house is set back over 3.0m from the boundary, there will be adequate light and ventilation for the neighbour's courtyard. Privacy will be improved for both properties.

The proposed addition makes effective use of space as it replaces a carport structure that was recently removed. A new garage is to be constructed at the rear of the property fronting Frogmouth Lane.

The proposed addition will have a limited overshadowing impact on the rear courtyard of the southern neighbour. The proposed 6.5m long wall extending 0.6m above the existing brick fence will cast an additional shadow of 6m² above that projected by the existing fence. This additional overshadowing is not considered unreasonable as, by comparison a compliant 3.5m high wall set back 1.0m from the boundary would cast a shadow of 10.5m², 75% greater than what is proposed.

Accordingly the proposal is considered to suitably satisfy the DP principles of the RDC with regard to lot boundary setbacks.

Although not a formal consideration under this element of the RDC, it is noted that cl.5.4.2 – Solar access for adjoining sites stipulates that overshadowing of R25 or lower lots should not exceed 25% of the site area (not courtyard area). In this instance, the proposal not only satisfies the technical lot requirement with a total overshadowing of the site of 8%, but also results in a maximum of 30% of the courtyard area being overshadowed (mostly attributed to the boundary fence).

Summary

Based on the above, it is recommended that approval be granted to the application 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 approval for a proposed addition (activity room) at Lot 2 (17) Goldsmith Road, Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2016.10), as amended by these conditions.**
- 2. Approval is for the activity room only.**
- 3. The boundary wall is to be finished to the satisfaction of the adjoining landowner. In the event that an agreement cannot be reached the wall is to be finished to the satisfaction of the Town of Claremont.**
- 4. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.**

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) 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 7.00pm Monday to Saturday inclusive; or
 - b) On a Sunday or on a public holiday.

**CARRIED(30/16)
(NO DISSENT)**

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker reported on attending the Annual General Meeting of the Claremont Now Board.

Cr Haynes reported on attending the meeting of the WALGA Central Metropolitan Zone.

Cr Wood reported on the Goods Shed works commencing and participating as a judge at the Lions Club Youth of the Year Awards.

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

NIL.

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

NIL.

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**MOTION TO CLOSE DOORS**

Moved Cr Edwards, seconded Cr Haynes

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspects of the Act being applicable to this matter:

(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**CARRIED(31/16)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:14PM.

Mayor Barker reconvened the meeting at 7:15PM.

ATTENDANCE

Mayor Barker

Cr Karen Wood

West Ward

Cr Peter Edwards

West Ward

Cr Peter Browne

West Ward

Cr Paul Kelly

South Ward

Cr Chris Mews

South Ward

Cr Bruce Haynes

East Ward

Cr Kate Main

East Ward

Mr Stephen Goode (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Liz Ledger (Executive Manager People and Places)

Ms Katie Bovell (Governance Officer)

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

File Ref: COP/00055
Responsible Officer: Stephen Goode
Chief Executive Officer
Author: Stephen Goode
Chief Executive Officer
Proposed Meeting Date: 1 March 2016

The following item was considered in closed session.

COUNCIL RESOLUTION

Moved Cr Wood, seconded Cr Browne

That the report and recommendation remain confidential until the proponents are notified and the disposal is advertised.

**CARRIED(34/16)
(NO DISSENT)**

MOTION TO OPEN DOORS

Moved Cr Main, seconded Cr Edwards

That the doors be opened.

**CARRIED(35/16)
(NO DISSENT)**

The doors opened at 7:54PM.

THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, 15 March 2016 at 7:00PM.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:55 PM.

Confirmed this day of 2016.

PRESIDING MEMBER