



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 7 NOVEMBER 2017**

**Liz Ledger**

**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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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3	ELECTION OF DEPUTY MAYOR .....	3
4	DISCLOSURE OF INTEREST .....	4
5	PUBLIC QUESTION TIME .....	4
6	PUBLIC STATEMENT TIME .....	4
7	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
8	PETITIONS/DEPUTATIONS/PRESENTATIONS .....	4
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....	4
10	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC .....	4
11	BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING .....	4
12	REPORTS OF COMMITTEES .....	4
13	REPORTS OF THE CEO .....	5
13.1	CORPORATE AND GOVERNANCE .....	5
	13.1.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES .....	5
	13.1.2 ORDINARY COUNCIL MEETING SCHEDULE FOR 2018 ..	13
	13.1.3 CLAREMONT AQUATIC CENTRE TOWER LIGHT WORKS	17
13.2	PLANNING AND DEVELOPMENT .....	21
	13.2.1 LOT 101 (26) RESERVE STREET, CLAREMONT - RETROSPECTIVE APPROVAL FOR STORAGE SHED FOR HERITAGE DWELLING .....	21
14	ANNOUNCEMENTS BY THE PRESIDING PERSON .....	27
15	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	29
15.1	ACTIVATION OF BAY VIEW TERRACE .....	29

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16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE  
PERSON PRESIDING OR BY DECISION OF MEETING ..... 31

17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE  
CLOSED TO THE PUBLIC ..... 31

18 FUTURE MEETINGS OF COUNCIL ..... 31

19 DECLARATION OF CLOSURE OF MEETING ..... 31

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**7 NOVEMBER 2017**  
**MINUTES**

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

His Worship the Mayor, Mr Jock Barker, welcomed members of the public, staff and Councillors and declared the meeting open at 7.00pm.

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

<b>Mayor Barker</b>	
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Kate Main</b>	<b>East Ward</b>
<b>Cr Alastair Tulloch</b>	<b>East Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Peter Browne</b>	<b>West Ward</b>
<b>Cr Peter Edwards</b>	<b>West Ward</b>
<b>Cr Sara Franklyn</b>	<b>West Ward</b>

**Ms Liz Ledger (Chief Executive Officer)**  
**Mr Les Crichton (Executive Manager Corporate and Governance)**  
**Mr David Vinicombe (Executive Manager Planning and Development)**  
**Miss Sarah Hingston (Governance Officer)**

**Five members of the public**  
**Two members of the press**

**APOLOGIES**

**Mr Saba Kirupanather (Executive Manager Infrastructure)**  
**Ms Cathy Bohdan (Executive Manager People and Places)**

**3 ELECTION OF DEPUTY MAYOR**

*Cr Tulloch nominated Cr Browne for the position of Deputy Mayor.*

*With no further nominations, the Mayor declared Cr Browne elected as Deputy Mayor.*

*Cr Browne made a declaration for the office of Deputy Mayor in the presence of the Mayor and Council.*

**4 DISCLOSURE OF INTEREST**

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

**Mr Peter and Mrs Tracey Bennie – 28 Reserve Street, Claremont WA 6010  
Re: Item 12.2.1 Lot 101 (26) Reserve Street, Claremont – Retrospective  
Approval for Storage Shed for Heritage Dwelling.**

Mr Bennie spoke against the officer's recommendation.

**Mr Andrew McMillan – 26 Reserve Street, Claremont WA 6010**

**Re: Item 12.2.1 Lot 101 (26) Reserve Street, Claremont – Retrospective  
Approval for Storage Shed for Heritage Dwelling.**

Mr McMillan spoke in favour of the officer's recommendation.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****Moved Cr Mews, seconded Cr Kelly****That the minutes of the Ordinary Meeting of Council held on 17 October  
2017 be confirmed.****CARRIED(153/17)  
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING  
MAY BE CLOSED TO THE PUBLIC**

NIL

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

NIL

**12 REPORTS OF COMMITTEES**NIL

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## 13 REPORTS OF THE CEO

### 13.1 CORPORATE AND GOVERNANCE

#### 13.1.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES

**Restricted Attachments:** Committee Nomination Form for Audit and Risk Management Committee - Andrew Cuthbertson (R-Attachment 1)

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

**Author:** Danielle Uniza  
Senior Governance and Risk Advisor

**Proposed Meeting Date:** 07 November 2017

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#### **Purpose**

To appoint elected members to Committees of Council, and to appoint delegates to relevant local and regional committees.

#### **Background**

The Town has established five advisory committees in accordance with section 5.8 of the *Local Government Act 1995* (the 'Act') to assist with its functions. Committee membership is comprised of Elected Members, community members and, as required for some committees, representatives of other organisations. The intent is to provide more specialised input into Council's decision-making process. However, as the advisory committees do not have delegated authority, all decisions must still be made by resolution of Council.

The current members were appointed following the 2015 election with their tenure having expired on 21 October 2017, the 2017 local government election day.

Council has five Committees which require membership from Elected Members –

- Audit and Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Museum Advisory Committee
- Claremont Town Centre Advisory Committee (formerly Claremont Now Inc.)

In addition, the Town is affiliated with four other local and regional committees that require membership from Elected Members –

- Western Australia Local Government Association Central Metropolitan Zone
  - Western Metropolitan Regional Council (WMRC)
  - Metro West Joint Development Assessment Panel (Metro West JDAP)
  - Shine Community Services Management Board
-

The current members and vacancies for Committees of Council are as follows:

#### Audit and Risk Management Committee

The Audit and Risk Management Committee has been established to provide an independent oversight of the financial systems of the Town on behalf of the Council, while assisting Council in fulfilling its corporate governance, stewardship, leadership and control responsibilities.

Representative Type	Vacancies	Immediate Past Members
Elected Members	4*	Mayor Barker Cr Edwards Cr Haynes Cr Kelly

\* One Elected Member position is the Mayor

#### Foreshore Advisory Committee

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

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

Representative Type	Vacancies	Immediate Past Members
Elected Members	2	Cr Kelly Cr Mews

#### Lake Claremont Advisory Committee

The purpose of the Lake Claremont Advisory Committee is to provide advice to Council on matters relating to:

- The care and maintenance of Lake Claremont and its immediate environment;
- The rehabilitation of Lake Claremont and its environs;
- Plans for amenities proposed to Lake Claremont and its immediate environs;
- Proposals for the Lake from the Friends Group.

Representative Type	Vacancies	Immediate Past Members
Elected Members	3*	Cr Wood Cr Haynes

\*One Elected Member from the City of Nedlands

Following the 2017 local government election, the City of Nedlands have appointed Cr Kerry Smith as their delegate to the Lake Claremont Advisory Committee with the deputy delegate being Cr Cilla de Lacy.

#### Museum Advisory Committee

The brief of the Museum Advisory Committee is to provide advice to the Council on matters relating to:

- Advise Council on matters relating to the Museum
- Advise and inform Council of new legislation



- Assist in obtaining local support and develop working relationships with relevant groups
- To promote community awareness of the value and work of the Museum and to assist with funding initiatives and advocacy.

Representative Type	Vacancies	Immediate Past Members
Elected Members	2	Cr Wood Cr Mews

#### Claremont Town Centre Advisory Committee

Formerly Claremont NOW, Inc., the Claremont Town Centre Advisory Committee has been established to consider matters relating to the marketing of the Claremont Town Centre, and is responsible for:

- Providing advice to Council initiatives relating to the Claremont Town Centre;
- Contributing to, and working cooperatively with the Town, on the progress of the Claremont Town Centre; and
- Bringing together retailers, professionals, civic authorities and others, for the purposes of improving the Claremont Town Centre as a destination.

Representative Type	Vacancies	Immediate Past Members
Elected Members	3	Mayor Barker Cr Goetze Cr Tulloch

The delegate membership and vacancies to local and regional committees are as follows:

#### Central Metropolitan Zone

The Central Metropolitan Zone is run by Western Australia Local Government Association (WALGA) and incorporates the following local governments: Town of Cambridge, Town of Claremont, Town of Cottesloe, Town of Mosman Park, City of Vincent, City of Perth, City of Nedlands and City of Subiaco. Meetings are held bi-monthly on a rotational basis at each of the member Council offices.

Representative Type	Vacancies	Immediate Past Delegates
Town of Claremont Delegates	2	Cr Haynes Cr Kelly

#### Western Metropolitan Regional Council (WMRC)

The WMRC aims to “make good waste practices normal in the Western suburbs of Perth” and incorporates the following local governments: Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco.

Representative Type	Vacancies	Immediate Past Members
Town of Claremont Delegates	2	Cr Haynes Cr Kelly (Deputy)

Metro West Joint Development Assessment Panel (Metro West JDAP)

As part of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. The Metro West JDAP is coordinated by the Department of Planning and incorporates the following local governments: City of Nedlands, City of Subiaco, City of Vincent, Shire of Peppermint Grove, Town of Cambridge, Town of Claremont, Town of Cottesloe, and Town of Mosman Park.

Representative Type	Vacancies	Current Local Government Member
Town of Claremont Delegates	4*	Cr Haynes Cr Kelly Cr Mews (Alternate) Cr Tulloch (Alternate)

\* In accordance with requirements of the Department of Planning, two Elected Members are appointed as "local government members" and two Elected Members are appointed as "local government alternate members."

Shine Community Services Management Board

SHINE Community Services is funded and supported by the combined councils of Claremont, Cottesloe, Peppermint Grove and Mosman Park together with the Home and Community Care program (HACC). The purpose of SHINE is to enhance the quality of life for seniors, people with disabilities, and their carers through services that support independent living and foster a connection to community.

Representative Type	Vacancies	Immediate Past Delegate
Town of Claremont Delegates	2	Cr Wood Cr Browne (Deputy)

**Discussion**

As prescribed in s5.11 of the *Local Government Act 1995*, Elected Members must be appointed to the following Committees of Council by absolute majority:

- Audit and Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Museum Advisory Committee
- Claremont Town Centre Advisory Committee (formerly Claremont Now Inc.)

Council also needs to appoint the prescribed number of delegates/members to the following local and regional committees –

- Western Australia Local Government Association Central Metropolitan Zone
- Western Metropolitan Regional Council (WMRC)
- Shine Community Services Management Board

Appointment of local government members and alternate members to the Metro West JDAP were confirmed in July of this year (submitted in February), for a one year period expiring 26 July 2018. There is no requirement to reappoint members to JDAP at this time.

It is further proposed that an additional community representative be appointed to the Audit and Risk Management Committee. One community member was appointed at the 17 October 2017 meeting however this committee's Terms of Reference allow for up to two community members. It is proposed Andrew Cuthbertson be appointed as the second community member to the Audit and Risk Management Committee. His application is included in this report as R-Attachment 1.

### **Past Resolutions**

Ordinary Council Meeting 17 October 2017, Resolution 150/17 – Appointment of Community Members to Committees

Ordinary Council Meeting 7 February 2017, Resolution 03/17 – Appointment of Local Members and Alternate Members to Metro West Joint Development Panel

Ordinary Council Meeting 6 September 2016, Resolution 03/17 – Appointment of Community Representative to Lake Claremont Advisory Committee

Ordinary Council Meeting 20 October 2015, Resolution 178/15 – Appointment of Council Members to Committees

### **Financial and Staff Implications**

This is required for purposes of business continuity.

### **Policy and Statutory Implications**

*Local Government Act 1995* s5.9, s5.10 Appointment of committee members, s5.11 Tenure of Committee membership.

### **Communication / Consultation**

The appointments will be made through discussion of Elected Members at the 7 November 2017 OCM.

### **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.*

- Provide opportunities for local community groups that supports their capacity and ongoing sustainability

#### **Leadership and Governance**

*We are an open and accountable local government; a leader in community service standards.*

- Demonstrate a high standard of governance, accountability, management and strategic planning
- Develop and build partnerships that support the Town's vision

**Urgency**

In order for the Town's Committees of Council to have full effect following the 2017 local government election, Elected Members must be appointed to prescribe vacancies within each Committee.

The nomination deadline for delegates to the WALGA Central Metropolitan Zone is 13 November 2017.

**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Officer Recommendation**

**Moved Cr Tulloch, seconded Cr Browne**

**That Council:**

- 1. appoint Elected Members to the following Committees of Council:**
  - a) Audit and Risk Management Committee (4 vacancies incl. Mayor)**
  - b) Foreshore Advisory Committee (2 vacancies)**
  - c) Lake Claremont Advisory Committee (2 vacancies)**
  - d) Museum Advisory Committee (2 vacancies)**
  - e) Claremont Town Centre Advisory Committee (3 vacancies)**
- 2. appoint Elected Members to the following local and regional Committees:**
  - a) WALGA Central Metropolitan Zone (2 vacancies)**
  - b) Western Metropolitan Regional Council (2 vacancies)**
  - c) Shine Community Services Management Board (2 vacancies)**
- 3. appoint Andrew Cuthbertson to the Audit and Risk Management Committee as a community representative with his term expiring on the day of the 2019 local government elections.**
- 4. notes the appointment of Cr Kerry Smyth as the City of Nedlands delegate to Advisory Committee with Cr Cilla De Lacy as deputy.**

**CARRIED BY AN ABSOLUTE MAJORITY(154/17)  
(NO DISSENT)**

**MOTION**

Moved Cr Tulloch, seconded Cr Browne

That Council appoint the Elected Members to Committees of Council as follows:

<b>Committee</b>	<b>Elected Members</b>
<b>Audit and Risk Management Committee</b>	1. Mayor Barker 2. Cr Haynes 3. Cr Edwards 4. Cr Kelly
<b>Foreshore Advisory Committee</b>	1. Cr Tulloch 2. Cr Mews
<b>Lake Claremont Advisory Committee</b>	1. Cr Haynes 2. Cr Browne
<b>Museum Advisory Committee</b>	1. Cr Mews 2. Cr Goetze
<b>Claremont Town Centre Advisory Committee</b>	1. Cr Goetze 2. Mayor Barker 3. Cr Tulloch

**CARRIED BY AN ABSOLUTE MAJORITY(155/17)  
(NO DISSENT)**

*Elected members voted in a secret ballot to determine the Delegate for the Western Metropolitan Regional Council.*

**MOTION**

Moved Cr Tulloch, seconded Cr Browne

That Council appoint Cr Haynes as Delegate to the Western Metropolitan Regional Council.

**CARRIED BY AN ABSOLUTE MAJORITY(156/17)  
(NO DISSENT)**

**MOTION**

Moved Cr Tulloch, seconded Cr Browne

That Council appoint the Elected Members as delegates to the following local and regional Committees:

<b>Committee</b>	<b>Elected Members</b>
<b>WALGA Central Metropolitan Zone</b>	<b>1. Cr Kelly – Delegate 2. Cr Main – Delegate</b>
<b>Shine Community Services Management Board</b>	<b>1. Cr Goetze – Delegate 2. VACANT (Deputy Delegate)</b>

**CARRIED BY AN ABSOLUTE MAJORITY(157/17)  
(NO DISSENT)**

**13.1.2 ORDINARY COUNCIL MEETING SCHEDULE FOR 2018**

<b>Attachments:</b>	<b>Proposed 2018 Ordinary Council Meeting Dates (Attachment 1)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Danielle Uniza Senior Governance and Risk Advisor</b>
<b>Proposed Meeting Date:</b>	<b>7 November 2017</b>

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**Purpose**

To set the Ordinary Council Meeting (OCM) dates for the 2018 calendar year.

**Background**

The *Local Government (Administration) Regulations 1996* Reg. 12 requires Council to give public notice of the dates, time and place of its Ordinary Council Meetings for the next twelve months at least once each year.

Since February 2004, Council meetings have been held on the first and third Tuesday of each month (except January) commencing at 7.00pm in the Council Chambers.

**Discussion**

In continuing current practice, the proposed meeting dates will be held twice monthly on the first and third Tuesdays of the month, with the following exceptions:

- January – No meetings
- December – One meeting instead of two, to be held on the second Tuesday

The meeting location will be at the Council Chambers located in the Town's administration building with all meetings commencing at 7.00pm.

Where meetings fall immediately after a Monday public holiday, it is proposed that the Ordinary Council Meeting still be held despite that loss of opportunity to conduct an Agenda Briefing Forum (Q&A). There will be a total of three instances where this will occur in the 2108 calendar year: 6 March, 3 April and 5 June. By continuing to hold these three OCMs despite loss of a preceding Q&A session, Council will be able to avoid any potential impact to service delivery.

**Past Resolutions**

Ordinary Council Meeting 18 October 2016, Resolution 165/16 – Ordinary Council Meetings for 2017.

Ordinary Council Meeting 15 September 2015, Resolution 165/15 – Council Meeting dates for 2016.

Ordinary Council Meeting 3 February 2015, Resolution 05/15 – Council Meeting dates for 2015.

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Ordinary Council Meeting 19 March 2013, Resolution 48/13 – Council Meeting dates for 2014.

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

*Local Government Act 1995* s.5.25 – Regulations about council and committee meetings and committees

*Local Government (Administration) Regulations 1996* Reg. 12 – Public Notice of Council or Committee meetings.

*“At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*

- a) the ordinary council meetings, and*
- b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.”*

### **Communication / Consultation**

Ordinary Council Meeting dates for 2018 will be published in accordance with s.1.7 (Local Public Notice) of the *Local Government Act 1995*.

### **Strategic Community Plan**

#### **Governance and Leadership**

*We are an open and accountable local government; a leader in community service standards.*

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

### **Urgency**

As the previous notice of meeting dates covers the period to the end of the 2017 calendar year, the meeting dates for the next period will need to be determined and advertised prior to commencement of the 2018 calendar year.



**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

**Moved Cr Tulloch, seconded Cr Mews**

**That Council approves the Ordinary Council Meeting dates, time and location for the 2018 calendar year as included in Attachment 1.**

**AMENDMENT**

**Moved Cr Browne, seconded Cr Edwards**

**That:**

- 1. The word 'amended' be added immediately in front of the words 'Attachment 1'.**
- 2. Within the attachment:**
  - a) The 11 December (second Tuesday) be removed**
  - b) The 4 December (first Tuesday) and 18 December (third Tuesday) be added.**

Reason: To provide for two meetings in December in line with Council's normal monthly meeting cycle.

**CARRIED(158/17)  
(NO DISSENT)**

**AMENDED PRIMARY MOTION**

**Moved Cr Browne, seconded Cr Edwards**

**That Council approves the Ordinary Council Meeting dates, time and location for the 2018 calendar year as included in amended Attachment 1.**

**CARRIED(159/17)  
(NO DISSENT)**

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**13.1.3 CLAREMONT AQUATIC CENTRE TOWER LIGHT WORKS**

<b>File Ref:</b>	<b>COP/0040</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Authors:</b>	<b>Sean Badani Aquatic Centre Manager</b>
<b>Proposed Meeting Date:</b>	<b>7 November 2017</b>

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**Purpose**

This report updates Council on a light tower power fault at the Claremont Aquatic Centre and recommends budget amendment to fund required repair/replacement work.

**Background**

In September 2017, staff identified a small area of the concrete pool deck between the deep end of the 50 metre pool and plant room too warm to touch and giving off a minor electric charge.

The area was immediately sectioned off and inspected by an electrical contractor who found that the main power cable for the tower lights at the deep end of the 50 metre pool was damaged. The power to this cable was isolated and cut off to make the area safe which has also rendered both tower lights unusable. Temporary lights have been installed onto the plant room to light the deep end of 50 metre pool and dive pool.

**Discussion**

A further inspection has confirmed the damaged cable can be replaced from the main distribution board.

The inspection however identified the cable is not located in the ground at the required depth of 600mm below ground level. This has necessitated a further two sections of the ground to be bunted off to ensure no ground work is carried out in these areas until the cable is replaced. The cable pit has extensive damage which requires replacement of the power box and cover.

Proposed works to re-power the tower lights include:

- dig up and remove the existing cable and lay new cable at the required depth from the tower light to the distribution board. The board is located within the reception/change rooms building. This will require sections of the concrete pool deck to be broken, dugout and replaced; and
- dig out, replace and cover the damaged power pit.

**Past Resolutions**

There have been no prior resolutions specific to this issue.

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## Financial and Staff Implications

Quotes have been sought from three electrical contractors with the most favourable reflecting costs as detailed below:

Installation of a new power cable	\$11,345
Replacement of conduits	\$8,400
Total	\$19,745

Costs to date in inspecting the site and undertaking remedial works to make the area safe include:

Initial inspection costs	\$4,957
Temporary lighting	\$1,669
Total	\$6,626

While the 2017-18 makes provision for routine (\$25,000) and non-routine (\$15,000) maintenance expenditure for the facility, this is typically used in full during the financial year. Total expenditure to date is already at \$21,000 with eight months of the year yet to run.

It is recommended the 2017-18 Budget be amended to make a \$27,000 provision for the works to be funded from the Pool Upgrade Reserve. Should the year end result provide available unspent funding, this may be applied to this expenditure ahead of reserve funding.

The purpose of the Pool Upgrade Reserve is to fund major maintenance and renewal of the Claremont Pool. The current balance of the reserve is \$446,508.

## Policy and Statutory Implications

Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities and *Health (Aquatic Facilities) Regulations 2007*.

## Communication / Consultation

NIL

## 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.*

- Effectively manages and enhance the Town's community facilities in response to a growing community.

### Liveability

*We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.*

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

**Urgency**

Timing of the works will be important in ensuring the lighting levels for the pool is maintained at the regulated levels.

**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Officer Recommendation**

**Moved Cr Edwards, seconded Cr Mews**

**That Council:**

1. notes the report on the Aquatic Centre tower lighting fault, and
2. amends the 2017-18 Budget to:
  - a. provide capital expenditure of \$27,000 for the temporary and permanent repair work to repair electrical fault to the tower lights at the east end of the 50 metre pool,
  - b. fund the expenditure from the Pool Upgrade Reserve.

**CARRIED BY AN ABSOLUTE MAJORITY(160/17)  
(NO DISSENT)**

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## 13.2 PLANNING AND DEVELOPMENT

### 13.2.1 LOT 101 (26) RESERVE STREET, CLAREMONT - RETROSPECTIVE APPROVAL FOR STORAGE SHED FOR HERITAGE DWELLING

<b>File Ref:</b>	<b>A2995</b>
<b>Attachments:</b>	<b>Location and Submission Plan (Attachment 1) Photographs (Attachment 2)</b>
<b>Restricted Attachments:</b>	<b>Plans (R-Attachment 1) Submission (R-Attachment 2)</b>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Josh Wilson Urban Planner</b>
<b>Proposed Meeting Date:</b>	<b>7 November 2017</b>
<b>Date Prepared:</b>	<b>20 October 2017</b>
<b>Planning Application No.:</b>	<b>DA 2017.00113</b>
<b>60 Days Due Date:</b>	<b>23 September 2017</b>
<b>Property Owner:</b>	<b>Sally McMillan</b>
<b>Submitted By:</b>	<b>Andrew McMillan</b>
<b>Lot No.:</b>	<b>101</b>
<b>Area of Lot:</b>	<b>673m<sup>2</sup></b>
<b>Zoning:</b>	<b>Residential R15/20</b>
<b>Financial Implications:</b>	<b>NIL</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i> <b>Town Planning Scheme No. 3 (TPS3)</b> <b>Residential Design Codes (RDC)</b> <b>Retention of Heritage Places, Heritage Areas and Heritage Precincts - LV124</b></b>

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#### Summary

- Application for Retrospective Development Approval received for a detached storage shed to a heritage listed dwelling.
- Proposal does not meet the 'Deemed-to-Comply' (DTC) requirements of the Residential Design Codes (RDC) relating to side boundary setbacks and does not comply with Council's Heritage Policy.
- One neighbour has submitted an objection, based primarily on the fact that the development was carried out without Council approval, together with the visually dominating impact on the neighbouring front entrance and a carryover compliance matter regarding screening, which has now been resolved.

- Application is considered to meet the 'Design Principles' (DP) of the RDC and is recommended for approval, subject to relevant conditions.

### Purpose

For Council to consider a Retrospective Development Application for a storage shed.

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

### Background

A previous Development Approval (DA2015.00147) was granted for alterations and additions to the heritage dwelling but did not include the storage shed the subject of this application. Following concerns raised by a neighbour regarding the shed, the site was inspected and it was found that a shed had been constructed without approval at the front of the property behind an existing carport.

The owner of the property was requested to submit a Development Application for consideration of retrospective approval.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
3 November 2015	DA2015.00147 issued under delegation
23 September 2016	Compliance matter raised by neighbour
21 June 2017	Property inspected
21 June 2017	Owner advised to apply for retrospective Development Approval
25 July 2017	Development Application received by Council
2 August 2017	Application undergoes internal DCU assessment
4 August 2017	Formal submission received from neighbour objecting to storage shed
17 October 2017	Report prepared for Council

### Past Resolutions

Alterations to the property, including internal remodelling and a small extension to the side of the dwelling for a new kitchen were approved under delegation on 3 November 2017 subject to the following conditions:

1. *All development shall occur in accordance with the approved drawings (Planning Application DA2015.00147), as amended by these conditions.*
2. *All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.*
3. *All fencing within the primary street setback is to be a maximum 1.2m high. Fencing within this setback over 1.2m is not to be constructed without prior approval of the Local Government.*
4. *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 3, to the satisfaction of the Town of Claremont.*



5. *The dividing fence is to be at least 1.6m above the proposed finished floor level, in order to provide adequate privacy screening as per the Residential Design Codes.*
6. *This approval is valid only if the development is commenced within 24 months of the date of approval.*

## Heritage

The property is listed on the Town's Heritage List and as such the application was referred to the Town's Heritage Officer whose comments are summarised as follows:

The storage shed does not comply with Council Policy on Retention of Heritage Places, Heritage Areas and Heritage Places - LV124 as it has been constructed 600mm forward of the main façade of the existing residence instead being set back a minimum 1.2m from the front of the dwelling. However, it is evident that the shed does not have a major impact on the presentation of the property from the street as it is located behind the carport and at a lower level than the dwelling. Therefore, despite the conflict with LV124, the overall effect on the heritage values of the place is minimal.

## Consultation

The application did not undergo formal consultation as the affected neighbour was in contact with the Town as part of the compliance investigation. This neighbour has submitted a formal objection to the proposal.

Submissions Received		
<b>Address:</b>	28 Reserve Street	
Submission	Applicant Comment	Officer Comment
<p>Initial approval was for designated works only. When rogue owners do not comply with approvals development quickly spirals out of control resulting in retrospective approvals with totally unsatisfactory outcomes.</p> <p>Object to non-compliant setbacks to store room. No objection if they alter it to make it compliant. Current arrangement wholly unsatisfactory. Visually dominating at our front door, overshadows garden beds and has killed some plants.</p> <p>Streetscape is no-longer in accordance with Council's regulations. We have applied for similar structures in the past and been refused.</p> <p>Disappointed that we weren't advised of approved alterations to property. Felt it was incumbent on us to research approvals and</p>	No comment provided.	<p>Retrospective applications are assessed in the same manner as regular applications, including the ability for Council to refuse unsatisfactory developments.</p> <p>The storage shed requires assessment of the side setback under the DPs of the RDC, which require consideration of building bulk, privacy and direct sun loss considerations. See discussion section of report for assessment.</p> <p>Impact on streetscape is negligible given the storage shed is located behind the existing carport on the property and is not readily visible from the street. When viewed from the south west, landscaping in the front yard of the neighbouring property reduces the visibility of the shed, which is designed to integrate with the carport.</p> <p>Original proposal was not advertised as the plans were fully compliant with the RDC DTC provisions. This is in</p>

<p>identify non-compliances. We believe a policy change is needed so that neighbouring properties are provided with approved drawings of development on adjacent properties.</p> <p>Screen Fence: We trust Council will expedite approval of a screening fence between the properties as the current arrangement is totally invasive on our private activities. We have been in contact with the owner and Council for one year over this matter.</p>		<p>accordance with the RDC and Council's Consultation Policy requirements. As the original development did not require consultation the request to provide plans to neighbours was not supported as this is unnecessary and may give rise to copyright and privacy issues.</p> <p>This is a separate compliance matter relating to the previous Development Approval for the property that has since been resolved to the neighbour's satisfaction.</p>
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A full copy of the submission is attached to this report (R-Attachment 2)

**Discussion**

Description

The storage shed is located at the front of the property and to the side of the heritage dwelling. Its dimensions are 4.4m x 3.2m with a wall height of 2.4m and it is attached to the rear of the existing carport.

Compliance

The development complies with the TPS3, RDC, Council Policy and Local Laws except for the following:

- The storage shed is located 600mm forward of dwelling in lieu of the required setback of 1.2m behind the front wall of the dwelling. (Council's Heritage Retention Policy LV124 – Retention of Heritage Places, Heritage Areas and Heritage Precincts).
- Portion of the storage shed set back 1.0m from the side boundary in lieu the minimum 1.5m required under the DTC provisions of the RDC.

Where a development does not meet the DTC provisions of the RDC it is required to be assessed under the DP requirements.

Where development does not comply with the provisions of a Council Policy, Council is required to have 'due regard' to the Policy and its objectives in accordance with cl.82(4) of TPS3.

Front Setback

The Town's Heritage Retention Policy LV124 requires any additions or new structures (except carports) on a heritage-listed property to be set back 1.2m or more behind the front wall of the dwelling. The objective is to ensure that new structures do not obscure the original dwelling when viewed from the street or visually compete with the dwelling in the streetscape.

While the storage shed does not comply with the set back requirement, it achieves the policy objectives as it is located to the side of and at a lower level than the dwelling,

occupying a small pocket of land created by an irregular side boundary. It is located behind the existing (approved) carport and is not readily visible from the street. The height of the storage shed is substantially less than the dwelling, is freestanding and therefore does not dominate or compete with the dwelling in the streetscape.

### Side Setback

The RDC 'Design Principles' in relation to cl.5.1.3 are as follows:

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

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The storage shed has been constructed with a low wall height of 2.4m and has a weatherboard design, reducing the impacts of building bulk and softening its appearance. It is noted that the plans indicate landscaping on the south side of the shed and that will potentially reduce the impact of building bulk of the shed on the neighbour's entrance. Details of the landscaping should be required as a condition of any Development Approval. The amount of direct sun received by the adjoining property is not significantly affected as the structure is small and casts a shadow equivalent to that of the existing dividing fence. As the storage shed has no windows it will have no impact on privacy. Accordingly, with landscaping addressing the neighbour's concerns over the appearance of the shed from their front entrance through a condition of approval, the side set back of the shed is considered to satisfy the DP requirements of the RDC.

### **Summary**

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

### Voting Requirements

Simple majority decision of Council required.

### OFFICER RECOMMENDATION

Moved Cr Edwards, seconded Cr Goetze

That Council grant retrospective development approval for a storage shed at Lot 101 (26) Reserve Street, Claremont, subject to the following conditions and advice notes:

1. All development shall occur in accordance with the approved drawings (Development Application DA2017.00113).
2. Screening vegetation capable of growing to a minimum height of 2.4m being planted along the southern boundary adjacent to the storage shed to reduce the impact of building bulk. The chosen species is to be approved by the Town of Claremont prior to planting and prior to submission of the Building Approval Certificate. Should any trees die they are to be replaced with mature specimens within 60 days. Vegetation to be planted within four weeks of approval being granted.

### Advice Notes:

- a) 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.
- b) 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.
- c) 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.
- d) A Building Approval Certificate application is to be submitted for all work deemed retrospective. To support this application a private building surveyor will be required to issue a Certificate of Building Compliance and include all supporting documentation. The application is to be submitted within 30 days of this approval.
- e) 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.

**CARRIED(161/17)**

**For the Motion:** Cr Edwards, Cr Franklyn, Cr Goetze, Cr Haynes, Cr Main and Cr Mews.

**Against the Motion:** Mayor Barker, Cr Browne, Cr Kelly and Cr Tulloch.

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Cr Kelly reported on his attendance at the Claremont Yacht Club Senior's Week event.

Cr Goetze reported on her attendance at a Council Conference in Melbourne, and the Claremont Golf Course opening.

*Cr Mews left the meeting at 7:39pm.*

Cr Browne reported on his attendance at the induction of Cr Franklyn, Claremont Golf Course opening, and advised Council of the upcoming Remembrance Day event.

Cr Franklyn reported on her attendance at her Council induction.

Cr Haynes reported on his attendance at the Claremont Yacht Club Senior's Week event.

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**15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15.1 ACTIVATION OF BAY VIEW TERRACE****Elected Member:** Cr Alastair Tulloch (East Ward)**Proposed Meeting Date:** 7 November 2017

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**MOTION**

That Council:

1. Close Bay View Terrace between Guger Street and St Quentin Avenue from 6:00pm on the third Friday of January, February and March 2018
2. Invite traders to set up food stalls in the area.

**CEO Comment:**

Council received a petition from a Town Centre business owner in April 2017 with other business owner signatures attached against closure of streets within the central business district. The Town's officers had received feedback to the contrary, and spoke in favour of road closures to support local economic development.

This petition was submitted to the Claremont Town Centre Advisory Committee who raised concerns the impact of no road closures would have on attempts to promote and energise the town centre. The committee agreed to review whether attempts to promote the town centre while addressing the concern could continue. The annual Action Plan for 17/18 did not therefore include any events that required road closures.

In relation to this Notice of Motion, the infrastructure to close the street (bollards and motor vehicle signs at the entry to Bay View Terrace) currently exist to support this initiative. From previous trials of closing roads in the Town centre, the Administration believe that some activation and leadership to support and motivate the businesses is required. This would require a budget of approximately \$6,000 to support the human resources, marketing and provision of some infrastructure (tables / chairs etc.)

*The motion lapsed for want of a mover.*

*Cr Tulloch proposed an Alternative Motion.*

**ALTERNATIVE MOTION****Moved Cr Tulloch, seconded Cr Goetze**

That Council:

1. Facilitate activation of Bay View Terrace between Guger Street and St Quentin Avenue through temporary closures from 6.00pm on the third Friday of January, February and March 2018 and invite traders to set up food stalls in the area
2. Provide an allocation of \$6,000 to fund Council's contribution (human resources, marketing, minor infrastructure) from within the 2017-18 Budget.

**CARRIED(162/17)  
(NO DISSENT)**

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**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**

NIL

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, 21 November 2017 at 7:00pm.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7.56pm.

Confirmed this

day of

2017