



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 17 OCTOBER, 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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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**17 OCTOBER, 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 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 Karen Wood</b>	<b>West Ward</b>

**Ms Liz Ledger (Chief Executive Officer)**  
**Mr Les Crichton (Executive Manager Corporate and Governance)**  
**Mr Saba Kirupanather (Executive Manager Infrastructure)**  
**Mr David Vinicombe (Executive Manager Planning and Development)**  
**Ms Cathy Bohdan (Executive Manager People and Places)**  
**Ms Sarah Hingston (Governance Officer)**

**Two members of the public**  
**Two member of the press**

**APOLOGIES**

**Cr Kelly – apology**

**3 DISCLOSURE OF INTERESTS**

<b>Agenda Item</b>	<b>Officer</b>	<b>Disclosure Type</b>
17.1.1 Light Vehicle Fleet Management Policy LG527 – Review	Executive Manager Corporate and Governance	Direct Financial Interest
13.1.1 Lot 30 (12) Caxton Road, Claremont – Additions to Heritage Dwelling	Mayor	Impartiality Interest

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

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME****Mrs Sasha Tremain, 12 Caxton Road Claremont****Re: Item 13.1.1 Lot 30 (20) Caxton Road, Claremont – Additions to Heritage Dwelling.**

Spoke in favour of the development application for a proposed study addition to a heritage dwelling on Lot 30 (12) Caxton Road, Claremont.

**7 APPLICATIONS FOR LEAVE OF ABSENCE\**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****Moved Cr Mews, seconded Cr Wood****That the minutes of the Ordinary Meeting of Council held on 3 October 2017 be confirmed.****CARRIED(146/17)  
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

17.1.1 Light Vehicle Fleet Management Policy LG527 – Review

*This item was withdrawn by the CEO.***11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**NIL

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## 12 REPORTS OF COMMITTEES

### 12.1 AUDIT AND RISK MANAGEMENT COMMITTEE

#### 12.1.1 FINANCIAL MANAGEMENT REVIEW - APRIL 2017

<b>File Ref:</b>	<b>FIM/00070</b>
<b>Attachments:</b>	<b>Financial Management Review April 2017 (Attachment 1) Financial Management Review April 2017- Management Responses (Attachment 2)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Hitesh Hans Manager Finance</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

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#### **Purpose**

To present to Council the outcome of Financial Management Review April 2017 and note the Chief Executive Officer's review of the appropriateness and effectiveness of the Town's financial management systems and procedures.

#### **Background**

The *Local Government Act 1995* and associated regulations requires the Chief Executive Officer to review the appropriateness and effectiveness of the Town's financial systems. This review is to be undertaken no less than once in every four financial years, with the outcomes of the review to be reported to Council.

In addition to the annual audit, The Town engaged the auditors to undertake an annual financial management review (FMR) for each year of its three year appointment (2015-16 to 2017-18). The previous FMR review was completed by the auditors in May 2016 and presented, with management response, to the Audit and Risk Management Committee on 10 June 2016 and Council at its OCM held 21 June 2016.

This FMR is for the period 1 July 2016 to 31 March 2017.

At its meeting of 6 October 2017, the Audit and Risk Committee reviewed the 'Financial Management Review – April 2017' report, together with the management responses (Attachment 2), and resolved:

*That the Audit and Risk Management Committee:*

- *Receives Financial Management Review April 2017 Report;*
  - *Notes the findings and management response in relation to the items identified for improvement within the Report, and*
  - *Recommends Council notes:*
-

- i. *the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the Town's financial management systems and procedures, and*
- ii. *managements' responses and actions to address those areas identified for improvement.*

### **Discussion**

As detailed within the report (Attachment 1), the review concluded the Town maintains appropriate and effective financial management systems and procedures.

Of the 20 areas examined, six had matters with varying risk assessment, noted for improvement.

The results demonstrate the Town's ongoing commitment to continued improvement in financial management practices.

### **Past Resolutions**

Ordinary Council Meeting 21 June 2016, Resolution 94/16:

*That Council*

1. *Receives the Financial Management Review – May 2016 Report, and*
2. *Notes the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the Town's financial management systems and procedures.*

**CARRIED**

### **Financial and Staff Implications**

Provision for the FMR is included within the 2017-18 budget.

### **Policy and Statutory Implications**

*Local Government Act 1995: Division 4 – General Financial Provisions*

*Local Government (Financial Management) Regulations 1996: Part 2 – 5(2)c – Financial Management Review.*

### **Communication / Consultation**

N/A

### **Strategic Community Plan**

#### **Governance and Leadership**

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

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

- Provide responsive and responsible leadership.

**Urgency**

Nil

**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

**Moved Cr Haynes, seconded Cr Tulloch**

**That Council**

- 1. Receives Financial Management Review April 2017 Report, and**
- 2. Notes:**
  - a) the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the Town's financial management systems and procedures, and**
  - b) managements' responses and actions to address those areas identified for improvement.**

**CARRIED(147/17)  
(NO DISSENT)**

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**13 REPORTS OF THE CEO****13.1 PLANNING AND DEVELOPMENT****13.1.1 LOT 30 (12) CAXTON ROAD, CLAREMONT – ADDITIONS TO HERITAGE DWELLING**

An impartiality interest was declared by Mayor Barker, for Item No 13.1.1.

*The Mayor left the meeting prior to debate and voting on this item at 7.07pm.*

*Deputy Mayor Peter Browne took the Chair at 7.08pm.*

<b>File Ref:</b>	<b>A-798/DA2017.00087</b>
<b>Attachments Public:</b>	<b>Location and Submission Map (Attachment 1) Photograph (Attachment 2) Photograph 2 (Attachment 3) Photograph 3 (Attachment 4)</b>
<b>Attachments Restricted:</b>	<b>Plans (R-Attachment 1) Submissions (R-Attachment 2) Applicant's Response to Submissions (R-Attachment 3)</b>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Nick Bakker Senior Planner</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>
<b>Date Prepared:</b>	<b>4 October 2017</b>
<b>Property Owner:</b>	<b>Justin and Sasha Tremain</b>
<b>Submitted By:</b>	<b>Justin and Sasha Tremain</b>
<b>Lot No.:</b>	<b>30</b>
<b>Area of Lot:</b>	<b>405m<sup>2</sup></b>
<b>Zoning:</b>	<b>Residential R25</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA) Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC) Policy LV123 - Retention of Residential Character Policy LV129 - Residential Amenity Policy LV124 - Retention of Residential Heritage</i></b>

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## Summary

- Application for development approval received for addition of a study above an existing garage associated with a heritage dwelling.
- Proposal does not meet the 'Deemed to Comply' requirements of the Residential Design Codes (RDC) relating to the proposed northern side boundary setback.
- Proposal does not meet the provisions of Council Policy LV123 - Retention of Residential Character, relating to a requirement for two storey additions to be located within the middle 3<sup>rd</sup> of the site.
- Proposal does not meet the provisions of Council Policy LV129 – Residential Amenity, relating to overlooking from non-habitable areas.
- Four neighbours were consulted and two objections were received with regard to the building bulk at the rear of the property, side setback and privacy.
- The applicant has made modifications to the plan to suitably address privacy requirements of Council Policy LV129 and Design Principles of the RDC.
- The proposal is not considered to have an adverse impact on the rear laneway or surrounding properties with regard to the location of the extension and Council Policy LV123.
- The application is therefore recommended for approval, subject to conditions.

## Purpose

The application proposes the addition of a study above an existing garage at the rear of the subject site.

The application requires the Council's determination due to neighbour objections regarding three areas of non-compliance.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
2 June 2017	Development Application received
7 June 2017	Application undergoes internal DCU assessment
7 June 2017	Additional information requested from applicant
15 June 2017	Amended plans submitted by applicant
6 July 2017	Assessment of amended plans and revisions requested
31 July 2017	Further amended plans received
4 August 2017	Advertising commenced
18 August 2017	Advertising closed – two objections received and forwarded to applicant
25 September 2017	Final amended plans and additional information received from applicant addressing neighbour's concerns
28 September 2017	OCM report prepared

## Past Resolutions

There are no past Council resolutions relevant to this application.

## Heritage

The property is listed in the Town's Schedule of Heritage Places as a standalone heritage building but is also within a designated Heritage Area. As such the application was referred to the Town's Heritage Officer for assessment. The Heritage Officer has indicated that although the property is very significant, the proposed works are at the rear of the premises and will not be visible from Caxton Road, and will not impact on the heritage values of the Heritage Place or Area. Based on this assessment the application is supported.

## Consultation

The application was advertised in accordance with the Town's Local Planning Policy LG525 – Advertising of Development Applications.

Four neighbours were consulted and two objections were received. A summary of submissions are provided as follows:

Submissions Received		
<b>Address:</b>	<b>10 Caxton Road, Claremont</b>	
Submission	Applicant Comment	Officer Comment
<p>Having regard to the planning framework for the subject land, it is apparent that the development:</p> <p>a) Does not meet the Deemed to Comply or Design Principle Requirements with respect to Lot Boundary Setbacks under the RDC's;</p> <p>b) Does not meet the requirements of the Town's Residential Amenity Policy (LV129) because the new development has not given due consideration to the protection of reasonable amenity for occupiers of adjoining dwellings by way of impacts associated with overlooking;</p>	<p>Amended plans have been provided moving the wall 1m back from the northern boundary and therefore resolving the neighbour's concerns with reduced setback.</p> <p>Overlooking into the adjoining Northern lot is not an issue of compliance in regards to the Residential Design Codes (well within setback limits), however it has been advised by the Town of Claremont that the policy "Residential Amenity LV129" classes an external staircase as a non-habitable room which may have impact to</p>	<p>The proposed addition initially resulted in buildings up to the rear eastern boundary and the northern side boundary, which did not comply with the RDC requirement for buildings to be up to one side boundary only. The application has since been amended to move the northern wall 1m off the side boundary. Although this still results in a 200mm reduced side setback, the revised setback is considered to satisfy the Design Principles of the RDC; details provided in the discussion section of the report below.</p> <p>The applicant has since submitted amended plans to introduce an external screen structure to the north of the proposed external staircase. When considering the screen, the resulting direct line of sight cone of vision crosses the northern boundary at a distance of 5m (taken from the third step up of the stairway). This screen together with the presence of vegetation to the west along the boundary (both on the property and the adjoining property to the north) provides additional screening (see Attachment 3) are considered to provide</p>

<p>c) Does not meet Council's requirements of the Residential Character Policy (LV123) with respect to upper level development being located in the middle third of the Lot. This is apparent whether or not the right of way is to be treated as a street. Based upon the above findings, the application, in its present form, ought to be refused by Council.</p>	<p>amenity to the adjoining property. If the 7.5 metre cone of vision method were enforced under LV129 the incursion into the adjoining property would be a maximum 1.5 metres, which would be within the aforementioned vegetation and straight into the dividing boundary fence (from 1 metre height). Given it more than meets the proposed 4.5 metre Residential Design Code setback this is a moot point.</p> <p>Other than taking place in the rear third of the lot, the proposed development adheres to all that this policy outlines and indeed, stands for. It is also consistent with the roof height of the rear buildings at 8 Caxton Road, 16 Caxton Road and 50 Goldsworthy Road; all accessible off the same right of way and all built on the rear third. Notwithstanding our proposed addition involves a second storey, the entire structure (ground and second level) extend for less than 50% of our rear lot boundary.</p> <p>Due to a skillion roof, the final roof height of the proposed addition is not significantly higher than the roof height of the rear garage of the current development on the southern neighbouring property (14 Caxton Road). The rear garage of 14 Caxton Road extends for 100% of that rear lot boundary. Therefore, the 'bulk' of our proposed addition on the rear third of the lot (which has no impact on the 'Primary Street' or 'front elevation') is substantially less than the 'bulk' of 14 Caxton Road on the rear</p>	<p>a reasonable level of screening which also exceeds the 7.5m cone of vision as required by the RDC. Both the screen and the landscaping reduce the potential for users of the stairway to look into the adjoining property to the north. Accordingly it is considered the screen and landscaping satisfy the privacy provisions under Policy LV129 and the RDC.</p> <p>The approval will be conditioned for the screen to be constructed to the satisfaction of the Town of Claremont, and also for the retention of the existing vegetation adjacent the northern boundary.</p> <p>The proposed two storey structure is located wholly within the rear 3<sup>rd</sup> of the site and will not impact upon the Caxton Road streetscape. The bulk of the structure is not considered to impact on the properties to the rear (opposite side of the right-of-way) and will have a limited impact on the amenity of the adjoining properties to the north and south as detailed in relation to discussion on the relevant to the Policy objectives associated with LV123 in detail in the discussion section of the report below.</p>
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<p>Having regard to the issues, bulk and setbacks are relevant but secondary issues for us compared with the primary issue of the impact on privacy caused by the overlooking which will occur. This would not be an issue were the applicant to enclose the staircase within the development.</p> <p>These policies provide an expectation and presumption that upper level development will be located in the middle third of the lot as has occurred on both our client's land and the other adjoining property at 14 Caxton Road. Those policies also provide an expectation that if upper level development is to occur in the rear third, it must occur with adequate regard to the protection on the amenity of the adjoining properties.</p>	<p>third of that lot.</p> <p>In addition, as there is no discernible streetscape associated with the Right of Way (with a wide variance of Garage sizes and two with loft additions), dwellings (single and double storey) and boundary walls/fencing (varying heights and materials), there is therefore no character in which to retain.</p> <p>Discussed above</p>	<p>These comments have been noted and with this in mind it is considered that the increased northern side boundary setback and the introduction of privacy screening (and existing vegetation) mitigate the neighbour's concerns regarding privacy and building bulk.</p> <p>Noted, however the dwelling at 10 Caxton Road also does not comply with the middle third provision of Policy LV123 as a significant portion of the upper floor addition is located within the front third of the site. Council regularly considers variations to LV123 taking into account the impact of the proposal on surrounding properties and the streetscape. These matters are addressed in detail in the discussion section of the report below.</p> <p>Although the residence at 14 Caxton Road fully complies with the middle third provision of Policy LV123 it is a new construction that was not restricted by the need to retain a heritage dwelling, as is the case with 12 Caxton Road.</p> <p>It is also noted that a similar structure above the rear garage in the rear third of the lot exists further to the south at 16 Caxton Road.</p>
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Address:		14 Caxton Road, Claremont	
Submission	Applicant Comment	Officer Comment	
<p>I object to the proposal on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The proposed study structure is located entirely within the rear third of the site and does not meet the provisions of Policy LV123 "Retention of Residential Character", specifically the requirement for the two storey development to be contained within the middle third of the site.</li> <li>2. The proposed external staircase has been assessed against the provisions of Policy LV129 "Residential Amenity" and will result in overlooking of our property."</li> </ol>	<p>As above</p> <p>Within the 7.5 metre cone of vision, there is overlooking to a very small degree into the adjoining Southern neighbour's lot (14 Caxton Road) however it is almost entirely onto a garage parapet wall and roof. Only a small section (0.27m<sup>2</sup>) encroaches into the very corner of the Southern neighbour's garden area, which would only be feasible if the boundary wall and adjoining Garage were not built.</p> <p>A row of young trees to our property along this boundary further limits any view into the adjoining lot. It should also be noted that the 0.27m<sup>2</sup> overlook as provided by the 7.5 metre cone of vision is significantly less than that afforded into our rear garden from this neighbour's current development (notwithstanding the proposed privacy screen mentioned in the Southern neighbour's letter) which was approved by Council without any opportunity for comment or</p>	<p>Noted</p> <p>See comments above and below with regard to this matter.</p> <p>The overlooking from the external staircase and landing was assessed by applying a 7.5m cone of vision as per the RDC requirements for a balcony. The portion of the cone of vision that crosses the boundary of 14 Caxton Road (from the stairway) will fall directly over a recently constructed garage built up to the common boundary with 12 Caxton Road. As the applicant has introduced screening to the south-western and south-eastern elevations of the landing, overlooking is removed from the landing and limited to the stairway. Overlooking from the external stairs is discussed relevant to the objectives associated with Policy LV129 in more detail in the discussion section of the report below.</p> <p>The applicant's comments have been noted; however the recently constructed dwelling at 14 Caxton Road was assessed under the privacy provisions of the RDC and Amenity Policy and was deemed to comply. In this regard, the bedroom windows parallel to the side boundary are setback the required 4.5m (and are also screened due to the requirements to screen the perpendicular study windows as detailed in the Attachment 4. It is noted that the screen directs the line of site from both rooms away from the main outdoor living space associated with the swimming pool (to the north of the pool) and limits viewing of the pool area to the east and rear of the property (towards the existing garage). It is also noted that the applicant has planted a row of trees along the southern boundary which will further improve the privacy between the</p>	

	consultation ourselves.	with	two properties, also as shown on Attachment 4.
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A full copy of the submissions is attached to this report.

## Discussion

### Description

The application proposes a study addition to be constructed above the existing single garage at the rear of 12 Caxton Road, Claremont. Access to the proposed study will be via a southern external staircase with a landing located at the rear of the new structure abutting the right-of-way boundary.

### Compliance

The development complies with the TPS3, RDC and Council Policies except for the following:

#### 1. Clause 5.1.3 – Lot Boundary Setbacks

The application proposes a setback to the northern side boundary of 1.0m in lieu of 1.2m 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 'Design Principles' (DP) and approval may be supported where the development meets these broader objectives.

The DP for cl.5.1.3 states:

*"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 proposed addition minimises building bulk by sloping the skillion roof down towards the rear of the lot (south-eastern corner), resulting in the highest point of the roof being farthest from the rear boundary. The study will not have any effect on the provision of adequate direct sun light and ventilation for the adjoining property.

Although the proposed study will be visible from the adjoining property it is directly adjacent to a garage at 10 Caxton Road which shares a common boundary wall with the subject site. Therefore the proposal is not considered to result in any loss of amenity due to excessive building bulk.

The matter of overlooking and privacy is dealt with in point 3 below.

The proposed 200mm reduced setback is considered minor and satisfies the DP principles of the RDC with regard to lot boundary setbacks.

## 2. Council Policy LV123 - Retention of Residential Character

The Policy primarily addresses the requirement to maintain an attractive and harmonious streetscape and in this instance the proposal does not alter the single storey appearance of the dwelling from Caxton Road and maintains the character of the streetscape.

The secondary purpose of the Policy is to address building bulk at the rear of properties, relative to the impacts of building bulk, specifically in terms of access to sunlight, overshadowing and privacy on properties located to the side and rear of the site. In this regard, the encroachment of the second storey into the rear third of the lot is not considered to have an adverse impact on the adjoining properties. The proposed study is separated from the main residence and sits above an existing garage. Most of the properties along this section of Caxton Road have garages accessing the rear laneway and there are also examples of outbuildings that are of two storey construction. Being located to the northern boundary (with 1m setback), the extension will not have an adverse impact access to sunlight or overshadowing of the northern adjoining property, or the southern. Privacy is adequately dealt with in terms of both the RDC and LV129 – Residential Amenity Policy requirements as detailed below.

## 3. Council Policy LV129 – Residential Amenity

The application was assessed against the privacy standards of Policy LV129. The original set of plans was found to compromise the privacy of both the northern and southern side neighbours' rear yards. Both adjoining neighbours objected to the potential overlooking from the external staircase. The applicant subsequently submitted amended plans to provide additional screening, which together with existing landscaping, is now considered to satisfy the privacy provisions of LV129 in relation to the northern neighbour.

However, a degree of overlooking remains to the south. Although the applicant has provided privacy screening to the southern side of the landing area, they were unable to completely screen the staircase without fully enclosing the external structure which they preferred not to do. If the stair case was to be fully enclosed it would result in additional building bulk and potentially compromising the objectives of Policy LV123.

Given the stairs are 'non-habitable' and will only be used for access to and from the study, the potential for overlooking from the external stairs is minimal and not considered to substantially reduce the amenity of the southern neighbour's property.

## **Summary**

Given the proposed study will not be visible from Caxton Road, thus protecting the heritage values of the Heritage Place and Heritage Area, and reasonable measures have been undertaken to protect the amenity of the surrounding residents, it is recommended that approval be granted subject to the conditions outlined in the officer's recommendation.

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### **Voting Requirements**

Simple majority decision of Council required.

### **Officer Recommendation**

**Moved Cr Haynes, seconded Cr Goetze**

**That Council grant development approval for a proposed study addition to a heritage dwelling on Lot 30 (12) Caxton Road, Claremont, subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2017.00087), as amended by these conditions.**
- 2. The external privacy screening shown on plans to be visually impermeable to a minimum height of 1.6 metres above the proposed landing levels and also above the staircase to minimise overlooking of the adjoining northern and southern properties, to the satisfaction of the Town of Claremont. Details are to be shown on the Building Permit.**
- 3. Retention of vegetation planted along the northern and southern side boundaries to assist in reducing overlooking of the adjoining properties from the stairway to the satisfaction of the Town of Claremont.**
- 4. The boundary wall to the laneway to be finished to the satisfaction of the Town of Claremont.**
- 5. A Construction and Site Management Plan detailing access to the site, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town prior to the issue of a Building Permit and implemented for the duration of construction.**
- 6. The external materials and colour finishes of the development are to be to a standard such that it complies with the requirements of Clauses 76 and 77 of the Town of Claremont Town Planning Scheme No 3, to the satisfaction of the Town of Claremont.**
- 7. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.**

### **Advice Notes**

**Note 1: 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.**

**Note 2: 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.**

**Note 3: 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.**

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**Note 4:** 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.

**Note 5:** A Demolition Permit must be obtained from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.

**Note 6:** This property is listed on the Town of Claremont's Heritage Schedule and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.

**Note 7:** The applicant/owner is advised to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.

**Note 8:** Access to the Right of Way must not be impeded for residents during the construction. This includes storage of materials, vehicles or truck attendance. If Right of Way use cannot be avoided, surrounding residents must be notified.

**Note 9:** The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:

- a) All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- b) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
  - i. Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
  - ii. On a Sunday or on a public holiday.
- c) The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the *Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)]* as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

**Note 10:** The use of skip bins outside of the property to be developed is to be assessed based on the proposed location of the bin. A work zone permit application is to be completed along with payment of prescribed fee.

**CARRIED(148/17)**

For the Motion: Cr Edwards, Cr Haynes, Cr Goetze, Cr Main, Cr Wood.

Against the Motion: Cr Browne, Cr Mews, Cr Tulloch.

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Mayor Barker returned to the meeting at 7.24pm and took the Chair.

Item 13.2.1 and 13.2.2 were carried en bloc.

## **13.2 CORPORATE AND GOVERNANCE**

### **13.2.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 AUGUST 2017**

**File Ref:** FIM/0062-03

**Attachments:** Financial Report for the period ended 31 August 2017 (Attachment 1)  
Infrastructure Assets 2017-18 Schedule of Work (Attachment 2)

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

**Author:** Hitesh Hans  
Finance Manager

**Proposed Meeting Date:** 17 October 2017

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#### **Purpose**

To present to Council the Statement of Financial Activity for the month ending 31 August 2017.

#### **Background**

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

#### **Discussion**

The Financial Statements to 31 August 2017 present the operational results for the first two months of the 2017-18 financial year and compares year-to-date expenditure and revenue against budget. The budget figures incorporate all 2016-17 carry-forwards approved as part of the June 2017 end of year report presented to council on 15 August 2017.

The closing surplus of \$14,785,799 compares favourably against the budgeted surplus of \$14,341,934. The budgeted closing surplus estimates the total (capital and operating) revenue expected at the end of August less the total expenditure expected for the period. Variations in timing typically account for much of the difference between budgeted surplus and actual reported.

As detailed below, the \$443,864 is variance is made up of;

#### **Under budget**

Operating revenue	(\$202,358)
Operating expenditure	\$247,315
Capital expenditure	\$403,391

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Over Budget	
Capital revenue	(\$ 4,484)
Variance	<u>\$443,864</u>

Table 1: Operating revenue – (\$202,358) under budget.

	Revenue Budget	Revenue Actual	Variance
Fees and charges	\$729,839	\$478,010	(\$251,829)
Interest Earnings	\$143,118	\$113,930	(\$29,188)
Other Revenue	\$2,200	\$48,030	\$45,830
Rates	\$14,050,125	\$14,088,682	\$38,557

The reasons for operating revenue variations are:

- (\$251,829) fees and charges - due to primarily to timing of income from Food Act fees, Aquatic Centre revenue, rates instalment charges and Parking Services income.
- (\$29,188) interest income - due to timing difference on interest levy on rate instalment plans.
- \$45,830 other revenue - due to receipt of cash-in-lieu of parking revenue. This will be transferred to Cash-in Lieu Reserve.
- \$38,557 rates - due to inclusion of new properties and interims before rates were levied.

Important revenue indicators are:

Total rates (including arrears, ESL & other charges) are \$18.191M with collection to date of \$10.358M or 56.94%. This compares to 55.59% collection in the previous financial year for this period.

Debtors show +90 days outstanding of \$20K which relate mainly to leasing invoices, health and aquatic centre fees and charges. Most have been sent to our debt collection agency for further follow up.

Table 2: Operating expenditure - \$247,315 under budget

	Expenditure Budget	Expenditure Actual	Variance
Employee Cost	\$1,138,797	\$1,230,521	(\$91,724)
Material & Contracts	\$1,073,442	\$845,892	\$227,550

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Utilities Charges	\$90,611	\$64,682	\$25,929
Insurance Expenses	\$217,717	\$94,013	\$123,704

Contributors to the operating expenditure variations are:

- (\$91,724) employee costs - due to the timing of payments made ahead of budget timing.
- \$227,550 materials and contracts – mostly timing differences of which \$51K relates to consultancy \$61k office expenses.
- \$25,929 utilities - due to timing
- \$123,704 insurance - timing of insurance invoices.

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

Capital revenue – (\$4,484) above budget.

This variance is due to receipt of new grant and contribution \$18,516 (Note 8) and timing on the proceeds from sale of vehicles (\$23,000).

Capital expenditure – \$403,391 under budget.

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

- \$247K below budget in infrastructure works due to timing. Attachment 2 provides further detail on the projects and variance explanation.
- \$87K below budget in Plant Equipment, land and building is due to timing. Note 10 provides further details of capital works.
- \$47K under budget on transfers to reserves due to timing of interest income on reserve investment.

### **Past Resolutions**

Ordinary Council Meeting 19 September 2017, Resolution 140/17:

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

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

*Local Government Act 1995.*

*Local Government (Financial Management) Regulations 1996.*

### **Communication / Consultation**

The Town is required to prepare and submit to Council a financial activity statement each month.

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## **Strategic Community Plan**

### **Governance and Leadership**

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

- Manage our finances responsibly and improve financial sustainability.
- Demonstrate a high standard of governance, accountability, management and strategic planning.

### **Urgency**

Monthly statements of financial activity must be submitted within two months after the end of the month to which the statement relates.

### **Voting Requirements**

Simple majority decision of Council required.

### **Officer Recommendation**

**Moved Cr Haynes, seconded Cr Edwards**

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

**CARRIED(149/17)  
(NO DISSENT)**

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**13.2.2 LIST OF PAYMENT 1 TO 30 SEPTEMBER 2017**

<b>File Ref:</b>	<b>FIM/00062-03</b>
<b>Attachments:</b>	<b>Schedule of Payments September 2017</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan/Fiona Li Senior Finance Officer/Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

**Purpose**

For Council to note the payments made in September 2017.

**Background**

Council has delegated to the CEO the exercise of its power to make payments from the Municipal Fund or Trust Fund.

**Discussion**

Attached is the list of all accounts paid totalling \$1,526,224.21 during the month of September 2017.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	917,499.17
• Municipal Fund vouchers (39548-39548)	\$	16,295.50
• Municipal Fund direct debits	\$	561,337.77
• Trust Fund electronic funds transfer (EFT)	\$	31,091.77
• Trust Fund vouchers	\$	0.00

All invoices have been verified, and all payments have been duly authorised in accordance with Council's procedures.

**Past Resolutions**

Ordinary Council Meeting 19 September 2017, Resolution 140/17

*That Council notes all payments made for August 2017 totalling \$1,541,321.13 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>971,664.34</i>
<i>Municipal Fund vouchers (39544-39547)</i>	\$	<i>3,416.38</i>
<i>Municipal Fund direct debits</i>	\$	<i>498,585.11</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	<i>67,655.30</i>
<i>Trust Fund vouchers</i>	\$	<i>0.00</i>

**Financial and Staff Implication**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

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

**Strategic Community Plan****Governance and Leadership**

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

- Manage our finances responsibly and improve financial sustainability.

**Communication / Consultation**

The CEO is required to present to Council a list of those payments made under delegated authority since the last list was submitted.

**Urgency**

Nil

**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

**Moved Cr Haynes, seconded Cr Edwards**

**That Council notes all payments made for September 2017 totalling \$1,526,224.21 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$ 917,499.17</b>
<b>Municipal Fund vouchers (39548-39548)</b>	<b>\$ 16,295.50</b>
<b>Municipal Fund direct debits</b>	<b>\$ 561,337.77</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$ 31,091.77</b>
<b>Trust Fund vouchers</b>	<b>\$ 0.00</b>

**CARRIED(149/17)  
(NO DISSENT)**

### 13.2.3 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO ADVISORY COMMITTEES

<b>File Ref:</b>	<b>GOV/00054</b>
<b>Attachments:</b>	<b>Audit &amp; Risk Management Committee Terms of Reference (Attachment 1) Foreshore Advisory Committee Terms of Reference (Attachment 2) Lake Claremont Advisory Committee Terms of Reference (Attachment 3) Freshwater Bay Museum Advisory Committee Terms of Reference (Attachment 4) Claremont Town Centre Advisory Committee Terms of Reference (Attachment 5)</b>
<b>Restricted Attachments:</b>	<b>Applications for Audit &amp; Risk Management Committee (R-Attachment 1) Applications for Foreshore Advisory Committee (R-Attachment 2) Applications for Lake Claremont Advisory Committee (R-Attachment 3) Applications for Freshwater Bay Museum Committee (R-Attachment 4) Applications for Claremont Town Centre Advisory Committee (R-Attachment 5)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Danielle Uniza Senior Governance &amp; Risk Advisor</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

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#### **Purpose**

To adopt the Terms of Reference for various Committees of Council and to present Committee membership applications received from community representatives for appointment by Council.

#### **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 give the community more opportunity to provide 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.

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The tenure of current committee members expires at the next ordinary election following appointment. The current members were appointed following the 2015 election with their tenure expiring on 21 October 2017, the 2017 local government election day.

Council currently has five committees which have community membership –

- Audit and Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Museum Advisory Committee
- Claremont Town Centre Advisory Committee

The Committees and vacancies 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.

The Terms of Reference for the Audit & Risk Management Committee is included as **Attachment 1**. Community membership vacancy is as follows:

Representative Type	Positions
Community Representative	Up to 2

#### 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.

The Terms of Reference for the Foreshore Advisory Committee is included as **Attachment 2**. Community membership vacancy is as follows:

Representative Type	Positions
Community Representatives	3

#### 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.

The Terms of Reference for the Lake Claremont Advisory Committee is included as **Attachment 3**. Community membership vacancy is as follows:

Representative Type	Positions
Scotch College Representative	1
Friends of Lake Representative	1
Community Representatives	2
City of Nedlands Representative	1

#### Freshwater Bay Museum Advisory Committee

The brief of the Museum Advisory Committee is 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.

The Terms of Reference for the Museum Advisory Committee is included as **Attachment 4**. Community membership vacancy is as follows:

Representative Type	Positions
Community Representatives	5

#### Claremont Town Centre Advisory Committee

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
- Bringing together retailers, professionals, civic authorities and others, for the purposes of improving the Claremont Town Centre as a destination.

The Terms of Reference for the Claremont Town Centre Advisory Committee is included as **Attachment 5**. Community membership vacancy is as follows:

Representative Type	Positions
Business Representatives from Claremont Town Centre	5

#### **Discussion**

Call for nominations for community representatives on Council's committees were advertised in the local newspapers and on Council's website from 18 August 2017. Nominations closed 5.00pm Friday 22 September 2017 with the following nominations received:

#### Audit and Risk Management Committee

Representative Type	Nominee
Community Representative	Meg Anklesaria <sup>1</sup>

<sup>1</sup> Current Committee members

Nominations for all community representative voting positions have been received and included as Restricted Attachment 1. It is recommended the above nominee be appointed.

#### Foreshore Advisory Committee

Representative Type	Nominee
Community Representatives	Claire Brittain <sup>1</sup>
Community Representatives	Ian Hunter <sup>1</sup>
Community Representatives	Robert Brereton <sup>1</sup>

<sup>1</sup> Current Committee members

Nominations for all community representative voting positions have been received and included as Restricted Attachment 2. It is recommended all the above nominees be appointed.

#### Lake Claremont Advisory Committee

Representative Type	Nominee
Scotch College Representative	David Kyle
Friends of Lake Claremont Representative	Nick Cook <sup>1</sup>
Community Representatives	Steve McKinney <sup>1</sup>
Community Representatives	David Free <sup>1</sup>

<sup>1</sup> Current Committee members

Nominations for all community representative voting positions have been received and included as Restricted Attachment 3. It is recommended all the above nominees be appointed.

#### Freshwater Bay Museum Advisory Committee

Representative Type	Nominee
Community Representative	Deborah Anne Bray <sup>1</sup>
Community Representative	Joan Fisher <sup>1</sup>
Community Representative	Ricki Hewitt <sup>1</sup>
Community Representative	Rosemary Hunter <sup>1</sup>
Community Representative	Karen Kaard <sup>1</sup>

<sup>1</sup> Current Committee members

Nominations for all community representative voting positions have been received and included as Restricted Attachment 4. It is recommended all the above nominees be appointed.

#### Claremont Town Centre (CTC) Advisory Committee

Representative Type	Nominee
CTC Business Representative	Paul Loiterton
CTC Business Representative	Alison Reid <sup>1</sup>
CTC Business Representative	Thomas Mildenhall
CTC Business Representative	Marissa Williams
CTC Business Representative	Samantha Monteiro

<sup>1</sup> Current Committee members

Nominations for all community representative voting positions have been received and included as Restricted Attachment 5. It is recommended all the above nominees be appointed.

With community representation being a voluntary role, it is further recommended that Council approve Committee members to attend meetings in accordance with s5.25(2) of the *Local Government Act 1995* and in line with Reg. 14A of the *Local Government Administration Regulations 1996*. This allows Committee members who are unable to attend a meeting in person due to distance to do so by other means of instantaneous communication, such as telephone, Skype, Facetime, video conference, etc. Such approval can only be applied:

- where a person (other than a person with a disability) attends no more than half of committee meetings in a financial year under this arrangement, and
- is a 150km or further from the place at which the meeting is to be held.

### **Past Resolutions**

Ordinary Council Meeting 20 September 2016, Resolution 148/16 - Appointment of community representative to Lake Claremont Advisory Committee to replace resigning member.

Ordinary Council Meeting 19 April 2016, Resolution 59/16 - Appointment of Friends of Lake Claremont Representative and City of Nedlands Representative to Lake Claremont Advisory Committee.

Ordinary Council Meeting 6 October 2015, Resolution 170/15 – Appointment of Community Representatives to Advisory Committees

Ordinary Council Meeting 17 March 2015, Resolution 38/15 – Appointment to fill vacant community member position of Foreshore Advisory Committee

Ordinary Council Meeting 5 November 2013, Resolutions 315/13 -318/13 – appointment of elected members to Advisory Committees.

Ordinary Council Meeting 1 October 2013, Resolution 281/13 - Appointment of community representatives effective from 2013 Council election and disbandment of Community Safety and Crime Prevention Committee.

Ordinary Council Meeting 16 April 2013, Resolution 69/13 – Appointment of youth representatives from Scotch College and Christ Church Grammar School; increase of membership to include City of Nedlands councillor

Ordinary Council Meeting 7 August 2012, Resolution 143/12 – Elected member motion to disband Strategic Planning and Policy Committee

Ordinary Council Meeting 6 December 2011, Resolution 279/11 – Appointment of Community Representatives to Advisory Committees following 2011 Local Government election

Ordinary Council Meeting 18 October 2011, Resolutions 221/11 to 227/11 – Appointment of Councillors to Advisory Committees following 2011 Local Government election

### **Financial and Staff Implications**

N/A

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## Policy and Statutory Implications

### Establishment of committees

5.8 *A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

### Types of committees

- 5.9 (1) *In this section:  
“other person” means a person who is not a council member or an employee.*
- (2) *A committee is to comprise:*
- (a) council members only;*
  - (b) council members and employees;*
  - (c) council members, employees and other persons;*
  - (d) council members and other persons;*
  - (e) employees and other persons; or*
  - (f) other persons only.*

### Appointment of committee members

- 5.10 (1) *A committee is to have as its members:*
- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).*
- \* Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
-

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:*
- (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### Tenure of committee membership

- 5.11 (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
  - (b) *the person resigns from membership of the committee;*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:*
- (a) *the term of the person's appointment as a committee member expires;*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*
- whichever happens first.*

#### **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.*

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

## Governance and Leadership

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

- Develop and build partnerships that support the Town's vision.
- Our stakeholders are well informed and we provide opportunities for community engagement.

## Urgency

Appointment of committees is essential to assist Council in performing some of its legislative responsibilities.

## Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

## Officer Recommendation

Moved Cr Haynes, seconded Cr Mews

That Council

1. Adopt the Terms of Reference for the following Committees:
  - a) Audit & Risk Management Committee (included as *Attachment 1*)
  - b) Foreshore Advisory Committee (included as *Attachment 2*)
  - c) Lake Claremont Advisory Committee (included as *Attachment 3*)
  - d) Freshwater Bay Museum Committee (included as *Attachment 4*)
  - e) Claremont Town Centre Advisory Committee (included as *Attachment 5*)
2. Appoint the recommended community representatives to the following Committees of Council:

### a) Audit & Risk Management Committee

Representative Type	Nominee
Community Representative	Meg Anklesaria

### b) Foreshore Advisory Committee

Representative Type	Nominee
Community Representative	Ian Hunter
Community Representative	Claire Brittain
Community Representative	Robert Breton

### c) Lake Claremont Advisory Committee

Representative Type	Nominee
Friends of Lake Claremont (FOLC)	Nick Cook
Scotch College Youth Representative	David Kyle

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<b>Community Representative</b>	<b>Steve McKinney</b>
<b>Community Representative</b>	<b>David Free</b>

**d) Freshwater Bay Museum Advisory Committee**

<b>Representative Type</b>	<b>Nominee</b>
<b>Community Representative</b>	<b>Deborah Anne Bray</b>
<b>Community Representative</b>	<b>Joan Fisher</b>
<b>Community Representative</b>	<b>Ricki Hewitt</b>
<b>Community Representative</b>	<b>Rosemary Hunter</b>
<b>Community Representative</b>	<b>Karen Kaard</b>

**e) Claremont Town Centre Advisory Committee**

<b>Representative Type</b>	<b>Nominee</b>
<b>CTC Business Representative</b>	<b>Paul Loiterton</b>
<b>CTC Business Representative</b>	<b>Alison Reid</b>
<b>CTC Business Representative</b>	<b>Thomas Mildenhall</b>
<b>CTC Business Representative</b>	<b>Marissa Williams</b>
<b>CTC Business Representative</b>	<b>Samantha Monteiro</b>

3. **Approve attendance to Committee meetings by members in accordance with s5.25(2) of the *Local Government Act 1995* and Reg. 14A of the *Local Government (Administration) Regulations 1996*.**

**CARRIED BY AN ABSOLUTE MAJORITY (150/17)**

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### 13.2.4 CODE OF CONDUCT REVIEW 2017

<b>Attachments:</b>	<b>Code of Conduct (Attachment 1) Current Code of Conduct for Elected Members (Attachment 2)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Danielle Uniza Senior Governance &amp; Risk Advisor</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

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#### **Purpose**

To present the amended Code of Conduct for adoption by Council.

#### **Background**

In accordance with s.5103 of the *Local Government Act 1995* (the 'Act') and the *Local Government (Rules of Conduct) Regulations 2007*, local governments are required to adopt a Code of Conduct that is in line with statutory regulations. The Town's Code of Conduct for Elected Members was last reviewed in 2016 with its adoption on the 19 April 2016 Ordinary Council Meeting.

The purpose of a Code of Conduct is to create a standard in which Elected Members, Committee Members and Employees are expected to conduct themselves by when dealing with matters that relate to the Council. It is an opportunity for local government to articulate what it means by good conduct and good governance. An effective Code of Conduct will result in a more efficient Council that bases its decision-making on principles of good governance; it promotes a fair complaints management system; and, it outlines legislative obligations to prevent any breach of the Code, the Act or any misconduct.

In its April 2016 iteration, the intent was that the Town would create two different sets of Codes of Conduct – one that would relate to Elected Members (Attachment 2) and one that would relate to Employees. With the landscape of local governments constantly evolving, it has since been identified through a comparison review with similar Councils, and by seeking industry best practices, that the Town's Code of Conduct would give better effect as a document that holds both Elected Member and Employees accountable to the same ethical and professional standards.

#### **Discussion**

The existing Code of Conduct was revised through a combination of the WALGA Model Code of Conduct, statutory requirements as outlined in the Act, and an incorporation of the Town's own vision and values.

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The main amendments that have come from this review are as follows:

<b>Section</b>	<b>Type of Amendment</b>	<b>Comment</b>
2.2 Committee Members	Addition	This section has been added to give effect to committees of Council.
2.3 Employees	Addition	This section was omitted from the previous version. Items within this section are guided by the WALGA Model Code of Conduct.
2.5 Attendance at Meetings	Addition	This section has been added as a result of a comparison review with similar Councils.  The purpose is to give effect to the importance of attendance at meetings (both Committee meetings and Ordinary Council Meetings) for effective decision-making.
2.6 Training and Development	Addition	This section has been added as a result of an opportunity for improvement flagged from the Inquiry into the Shire of Dowerin.  The purpose is to ensure that all decision makers are provided opportunity to increase their background knowledge to assist with making sound judgements.
2.7 Record Keeping	Addition	This section has been added as a result of a comparison review with similar Councils.
3. Rules of Conduct	Amendment	This section has been amended to align rules of conduct with the Town's own values (i.e. Respect, Integrity, Quality Communication, Customer Service, Excellence, etc.)
4.1 Declaring Private Work	Addition	This section has been added as a result of guidelines within the WALGA Model Code of Conduct and by comparing with other Councils.
6.3 Gifts and Contributions to Travel	Amendment	This section has been amended in response to amended legislation in disclosing gifts and contributions to travel from the proclamation of the <i>City of Perth Act 2016</i> .
7 Breaches and Misconduct	Amendment	This section has been amended in line with industry best practice regarding the mitigation and investigation process of breaches of the Code, relevant legislation and misconduct.  The purpose is to ensure that Town conducts its complaints/ breach management process in a way that is just, and in line with principles of procedural fairness.

## Past Resolutions

Ordinary Council Meeting 19 April 2016, Resolution No. 58/16:

*That Council adopt the attached Code of Conduct for Elected Members, amended as forwarded to Elected Members prior to the meeting.*

CARRIED

Ordinary Council Meeting 16 March 2010, Resolution No. 55/10: Adoption of revised Code of Conduct (CARRIED)

Ordinary Council Meeting 4 April 2006, Resolution No. 98/06: Adoption of revised Code of Conduct (CARRIED)

Ordinary Council Meeting 20 April 2004, Resolution No. 138/04: Minor amendment to Code of Conduct (CARRIED)

## Financial and Staff Implications

N/A

## Policy and Statutory Implications

In accordance with s.5103 of the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007*, local governments are required to adopt a Code of Conduct.

## Communication / Consultation

The proposed Code of Conduct has been circulated to the Executive Leadership Team for review and comment.

## 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

The proposed Code of Conduct should be adopted as soon as possible to take effect.

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**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

**Moved Cr Wood, seconded Cr Edwards**

**That Council adopt the revised Code of Conduct for Elected Members, Committee Members and Employees as included in amended Attachment 1.**

**CARRIED(151/17)  
(NO DISSENT)**

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### 13.3 INFRASTRUCTURE

#### 13.3.1 ASHTON AVENUE TRAFFIC CALMING (SPEED PLATEAUS)

<b>File Ref:</b>	<b>RDS/00173</b>
<b>Attachments:</b>	<b>Consultation Letter and Consultation Summary (Attachment 1)</b> <b>Traffic and Crash Data (Attachment 2)</b>
<b>Restricted Attachments:</b>	<b>10 comments, Incl. 1 late comment (R-Attachment 1)</b>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Marty Symmons</b> <b>Engineering Technical Officer</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

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#### **Purpose**

To present feedback from the public consultation conducted, informing of the proposed installation of plateaus at the Ashton Avenue/ Second Avenue intersection.

#### **Background**

In August 2015, Council resolved for the Town to investigate the feasibility of installing a roundabout at the Ashton Avenue and Second Avenue intersection, and apply for Black Spot funding. Upon investigation, it was found that:

- This location did not meet the required criteria for State 'Black Spot' funding
- Installing a roundabout at this location would require the removal of street trees and approximately eight parking bays as identified in the preliminary design

Given the above findings, it was decided that the roundabout would not proceed to a detailed design stage at the point.

In 2017, the Town received a request from residents of Second Avenue to review traffic and road safety on Second Avenue at the intersection of Graylands Road and Ashton Avenue. Results of this review revealed the following:

- That there was an evident crash pattern at the intersection of Second Avenue and Ashton Avenue
- Speeds on Ashton Avenue were high

In response to the identified safety issues, a recommendation was made to Council at the 4 July 2017 OCM to install traffic calming devices (plateaus) to lower speeds and to reduce crashes at this location. Council deferred the proposed recommendation and, instead, resolved that the Town conduct a survey of the shops and residents for further feedback.

#### **Discussion**

When Ashton Avenue traffic and crash data were analysed, it was determined that a crash pattern was evident with the same types of crash occurring at the intersection

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of Ashton Avenue and Second Avenue on an almost annual basis. The crashes were typically involving cars travelling south on Ashton Avenue and cars crossing east over Second Avenue.

To determine the cause of the crashes, an onsite inspection was conducted to review sight lines and other possible contributors. The inspection determined that sight lines were adequate in those directions, and no other atypical geometric or physical features were causing the accidents.

With Ashton Avenue being a 50kmh District Distributor A class road in the road hierarchy, it was determined that further investigation be conducted through an analysis of vehicle speeds on Ashton Avenue. This analysis showed that:

- Ashton Avenue was in the 85<sup>th</sup> percentile speeds<sup>1</sup> of 46kmh at the northern end of Ashton Avenue (near to the Alfred Road intersection)
- Speed increased to 57kmh south of Mofflin Avenue as vehicles were evidently speeding up as they travelled along Ashton Avenue

In order to create a safer environment and to lessen the incidence of crashes occurring at the intersection with Second Avenue, it is recommended that provisions be made to reduce vehicle speeds Ashton Avenue.

In determining the most suitable method of traffic calming, the following options have been explored:

Method	Comment
Installation of a roundabout	This option was <b>not</b> deemed viable as its cost estimate was upwards of \$250,000, and it further required the removal of trees and parking.
Repaving a section of asphalt road in brick paving to provide tactile feedback for drivers which would encourage lower speeds	This option was also <b>not</b> deemed viable as in order to achieve the desired effect, it would require the repaving of at least 150m of Ashton Avenue which is estimated to be approximately \$200,000. As this option relies on 'creating a sense of driving in a new environment' to reduce speed, it is further uncertain as to whether it will continue to result in a reduction of speed in the long term.
Installation of traffic calming plateaus	This was the most viable option as the installation of traffic calming plateaus can easily be done by retrofitting to the existing road, and it doesn't require removal of any existing parking and trees. The cost estimate for this option is approximately \$30,000.

Following this, the Town surveyed all residents and businesses on Ashton Avenue (with the exception of the Royal Show Grounds) to seek feedback regarding the proposed installation of traffic calming plateaus. Results of the survey (included in [R-Attachment 1](#)) are as follows:

- 9 responses were received out of 30 delivered letters

<sup>1</sup> 85<sup>th</sup> percentile speed is defined as the speed at or below 85% of vehicles travel and always used in traffic assessment.

- 6 of the responses were in favour of the proposal and 3 were against it
- 3 of the responses were from businesses in the shopping strip with all being in favour of the proposal
- 6 of the responses were from residential properties – 3 were in favour and 3 were against
- An additional late comment in favour of the installation was received, which is listed in the summary but was not included in the total numbers for or against.

With the the majority of respondents being in favour of the installation of traffic calming plateaus, and with this option being the most viable to reduce the occurrence of accidents in the area, it is recommended that Council to proceed with the installation of the plateaus as shown in diagram below.



Impression of how the plateau may look – North side of intersection



Proposed treatment locations

## Past Resolutions

Ordinary Council Meeting – 4 July 2017, Resolution 112/17:

*That Council*

1. Retain the No Stopping line marking on Second Avenue for the remaining 12 months of the 2 year trial period, at which time a decision can be made to retain or remove them
2. Approve the design and construction of plateaus on Ashton Avenue to reduce speeds at the intersection with Second Avenue, and allocate \$30,000 for the cost of construction as part of the next budgetary process in October/November 2017 (from the end of year savings of 2016-17 financial year).

**MOTION TO DEFER**

*That the item be deferred back to Administration.*

*Reason: To survey shops and residents before going ahead with plateaus.*

**CARRIED**

Ordinary Council Meeting – 1 December 2015, Resolution 216/15:

*That Council approved the installation of No Stopping line marking over the crest mid block on Second Avenue on a 2 year trial.*

**CARRIED**

Ordinary Council Meeting 4 August 2015, Resolution 145/15:

*That Council request the Town investigate installing a roundabout and apply for Black Spot funding.*

CARRIED

### **Financial and Staff Implications**

As there are no current resources allocated, \$30000 will need to be considered as part of next budgetary process in order to proceed with the installation of plateaus.

### **Policy and Statutory Implications**

Australian Standards

Main Roads WA standards and guidelines

Perth Transport Authority standards and guidelines

### **Communication / Consultation**

Public consultation has been conducted as included in Attachment 1.

### **Strategic Community Plan**

#### **Liveability**

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

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

#### **Urgency**

If Council approves and allocates money, could be scheduled for construction this financial year.

#### **Voting Requirements**

Simple majority decision of Council required.

#### **Officer Recommendation**

##### **Moved Cr Wood, seconded Cr Browne**

**That Council approves the installation of plateaus on Ashton Avenue at the intersection with Second Avenue, and allocates \$30,000 for the cost of construction as part of the next budgetary process in February 2018 (from the midyear budget review and savings in the financial year 2017-18).**

CARRIED(152/17)

For the Motion: Mayor Barker, Cr Browne, Cr Haynes, Cr Mews, Cr Wood.

Against the Motion: Cr Edwards, Cr Goetze, Cr Main, Cr Tulloch.

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**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker reported on his attendance at the Claremont Yacht Club opening.

Cr Browne reported on his attendance at the Claremont Yacht Club opening.

Mayor Barker and each Councillor expressed their gratitude for the service of retiring Councillor Wood.

*Cr Mews left the meeting at 8.21pm.*

*Cr Mews re-entered the meeting at 8.23pm.*

**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

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**17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****17.1 CORPORATE AND GOVERNANCE****17.1.1 LIGHT VEHICLE FLEET MANAGEMENT POLICY LG527 - REVIEW**

<b>File Ref:</b>	<b>COM/00032</b>
<b>Attachments:</b>	<b>Revised Fleet Management Policy LG527</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Declaration of Interest:</b>	<b>The author of the report declares a financial interest in the matter as his remuneration package includes provision of a Council supplied vehicle.</b>
<b>Proposed Meeting Date:</b>	<b>17 October 2017</b>

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*This item was withdrawn by the CEO.*

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