



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 15 MAY 2018

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
15 MAY 2018
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Mayor Jock Barker	Town of Claremont
Cr Alastair Tulloch	East Ward
Cr Bruce Haynes	East Ward
Cr Kate Main	East Ward
Cr Jill Goetze	South Ward
Cr Paul Kelly	South Ward
Cr Peter Browne, JP	West Ward
Cr Peter Edwards	West Ward
Cr Sara Franklyn	West Ward

Ms Liz Ledger (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Ms Danielle Uniza (Senior Governance and Risk Advisor)

Miss Sarah Hingston (Governance Officer)

Seven members of the public

Two members of the press

LEAVE OF ABSENCE

Cr Chris Mews **South Ward**

3 DISCLOSURE OF INTERESTS

NIL

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Barry Markey – 40B Alfred Road, Claremont

Re: *Town of Claremont Fencing Local Law 2000*

- Q. *What is the purpose of having a 'Fencing Local Law 2000' if it is not used or enforced? In particular, Section 15.*
- A. The *Town of Claremont Fencing Local Law 2000* ('Local Law') deals with a number of issues relative to the design, construction and maintenance of fencing. These requirements are taken into account when the Town deals with both Development and Building Applications, along with requirements contained in Council Policy, the R-Codes and (to a lesser extent) the *Dividing Fences Act 1961*. There are however a number of cross references between these requirements, and these matters are currently under review to refine their applicability and reduce confusion caused by multiple requirements across the board.

With regard to your specific concern relative your side fence, you have been previously advised that the fence is not 'dangerous' as the damaged fence during demolition works next door does not comply with the Local Law's definition of a 'dangerous fence'. Your query now relating to fence maintenance in the Local Law is also not applicable as the maintenance provision under the Local Law relates to the repair of fences, which have deteriorated naturally over time and not through damage caused by other means. In this case, damage during demolition works. As previously advised, this is a civil matter between yourself and your neighbour/ builder/ demolition contractor, and remedial action sits clearly with the *Dividing Fences Act 1961* and processes advised by the Department of Mines, Industry Regulation and Safety.

5 PUBLIC QUESTION TIME

NIL

6 PUBLIC STATEMENT TIME

Mr Alex Hemsley – 10 Koeppe Road, Claremont

Item 13.2.1 Lot 888 (15) Grange Street, Claremont – Above Ground Swimming Pool Addition to Heritage Dwelling

Mr Hemsley spoke in favour of the Officer's Recommendation.

Ms Leonie Hallam – 15 Grange Street, Claremont

Item 13.2.1 Lot 888 (15) Grange Street, Claremont – Above Ground Swimming Pool Addition to Heritage Dwelling

Ms Hallam spoke in favour of the Officer's Recommendation.

Mr John Traicos – 26 Fern Street, Swanbourne

Item 13.2.2 Scheme Amendment No. 135 – Amending of Zoning of Lot 90 Fern Street, Swanbourne

Mr Traicos spoke in favour of the Officer's Recommendation.

Mr Geoff Kimpton – 37 Fern Street, Swanbourne

Item 13.2.2 Scheme Amendment No. 135 – Amending of Zoning of Lot 90 Fern Street, Swanbourne

Mr Kimpton spoke in favour of the Officer's Recommendation.

MOTION

Moved Cr Browne, seconded Cr Main.

That Item 13.2.1 Lot 888 (15) Grange Street, Claremont – Above Ground Swimming Pool Addition to Heritage Dwelling and Item 13.2.2 Scheme Amendment No. 135 – Amending of Zoning of Lot 90 Fern Street, Swanbourne, be considered as the next items in the order of business.

**CARRIED(67/18)
(NO DISSENT)**

Council moved to Item 13.2.1 on page 29 of the Agenda.

7 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

8 PETITIONS/DEPUTATIONS/PRESENTATIONS*Cr Tulloch presented a petition to Council.***MOTION****Moved Cr Edwards, seconded Cr Main.****That the petition to change the time period of parked car bays south of Maud Jackson Lane and St Quentin Avenue, be received.****CARRIED(69/18)
(NO DISSENT)****9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****Moved Cr Browne, seconded Cr Tulloch.****That the minutes of the Ordinary Meeting of Council held on 1 May 2018 be confirmed.****CARRIED(70/18)
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC****Item 17.1.1 CEO Recruitment Committee Update****MOTION****Moved Cr Browne, seconded Cr Goetze.****That Item 17.1.1 *CEO Recruitment Committee Update*, be considered as the next item in the order of business.****CARRIED(71/18)
(NO DISSENT)****11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

NIL

12 REPORTS OF COMMITTEES

12.1 CEO RECRUITMENT COMMITTEE

Attachments: CEO Recruitment Committee Meeting Minutes
(*Confidential*)

Responsible Officer: Cathy Bohdan
Executive Manager People and Places

Meeting Date: 8 May 2018

OFFICER RECOMMENDATION

Moved Cr Browne, seconded Cr Goetze.

That the Minutes of the CEO Recruitment Committee Meeting held on 8 May 2018 be confirmed, as previously received.

CARRIED(79/18)
(NO DISSENT)

12.2 CLAREMONT TOWN CENTRE ADVISORY COMMITTEE

12.2.1 CLAREMONT NOW SPECIFIED AREA RATE

File Ref:	ECD/00051
Responsible Officer:	Liz Ledger Chief Executive Officer
Author:	Cathy Bohdan Executive Manager People and Places
Proposed Meeting Date:	15 May 2018

Purpose

For Council to consider a further three-year continuation of a Specified Area Rate of the business district to support the Claremont Town Centre ('CTC') Project.

Background

Held in the 2012-13 financial year, the Town implemented a Specified Area Rate ('SAR') for commercial properties situated within the town centre. In accordance with Section 6.37 of the *Local Government Act 1995*, this rate was imposed for the purpose of collecting and managing funds to support a local economic development initiative.

Initially, the amount collected through the SAR generated \$60,000, and Council matched this amount by \$2 to every \$1 collected, providing a total of \$180,000 annually. After the second round was approved it was \$2 to every \$2.

The approved purposes for which the rates were expended include:

- Marketing, advertising and publicity
- Improved signage/way finding
- Festivals
- Street activities
- Electronic apps (to support above)
- Employees directly engaged in implementing the approved purposes.

At the time of initiating this concept, the intent was to impose this SAR and run the Claremont Now project for a minimum of three years. The first three year period concluded at 30 June 2015, with then a second three year period being supported which now concludes in the 30 June 2018.

Discussion

The CTC project is a joint initiative between the Town of Claremont and its business community to improve the economic and social well-being of the Town Centre.

Over the second three-year period of the SAR, the CTC project continues to gain momentum and the outcomes for the project steadily improved. The vision remains as 'Your premier place to shop, dine and be entertained'.

The strategies are:

- Create Awareness:
Continue to positively develop and enhance the Claremont Now brand through a range of marketing strategies & research
- Create Interest:
Encourage, support and manage initiatives that contribute to making the town centre a more interesting, active place to visit.
- Create Partnerships:
Create and manage partnerships that contribute to the aim of the Claremont Now project
- Create Comfort:
Make the town centre a more relaxing, comfortable, physical space through improved and additional physical amenity

The range of initiatives that have been created and implemented to support this is summarised in the table below.

Strategy	Action
Create Partnerships	<ul style="list-style-type: none"> • Business liaison and development • Creation of a database and business contacts for regular communications (E-newsletters) • Partnerships with businesses • Grants program for businesses
Create Awareness	<ul style="list-style-type: none"> • Branding Campaign - Retail Face of Claremont • Website • Social media Strategy (Facebook and Instagram)
Create Interest	<ul style="list-style-type: none"> • Activation through the creation and implementation of pop up events and festivals (e.g. a Taste of Claremont) • Light the Nights Shop Window Promotion • Christmas Activation
Create Comfort	<ul style="list-style-type: none"> • Community Safety Initiatives in partnership with the Town • Seating / Shade in BVT

Specifically, in this second three year period the marketing infrastructure (digital and social media platforms) have continued to be maintained, with additional activities and events being introduced including:

- Visitor and Business research and reporting
- Business Workshops (Christmas Styling and Group Marketing)
- Zenith Music free fine music concerts
- Old Theatre Lane pop up events

- Small business grant opportunities (Christmas Decorations)
- Business support grant (to support 3 businesses/ shopping night)
- Christmas Activations (2x Keep Cup Christmas Trees, free Christmas face painting for the kids, traditional Christmas carolling)
- Promotion of responsible cafes
- Businesses support for involvement in the annual Share the Dignity campaign
- Support for Terrace Nights
- Off the Page Art Project in partnership with FORM.

Market research was introduced in the 2016-17 financial year and was again completed in 2018 to track comparisons.

The results provide an indication of both shopper and business perceptions of the Town Centre experience.

The consultant's analysis of data noted little change in the findings from 2016-17 to 2017-18, with shopper sample survey responses continued a high satisfaction experiences.

Some of the results include:

- An increase in 'visitor' shoppers across 33 postcodes to 66%, which was up from 49% in 2017
- 71% reported they had returned for five or more visits in the last six months
- 71% of visitors agreed that they would recommend Claremont as a must do location to friends
- Of those surveyed 99% of visitors agreed they intended to come back to Claremont
- 41% found out what was going on in Claremont through social media, with 14% receiving information from local papers, which aligns with the 18% of people surveyed living in Claremont

The significant weighting towards social media indicates broad market reach and reflects a good return on investment for maintaining digital marketing platforms.

In addition to survey options, open ended questions included; *'in your opinion what is Claremont best known for?'* With the top three themes being; high end fashion/luxury shopping, Claremont Quarter and shopping.

The respondents were also *asked 'when comparing with other places you visit, what is different about Claremont?'* Unprompted answers provided the top themes:

- upmarket/classy/expensive/women's fashion
- safe/clean/new
- convenient/good parking
- village vibe/familiar
- variety of shops.

Aligning with 2017 results, the 'gaps' for shoppers in general were discount stores (e.g. Target), a cinema, more small bars and casual eating experiences.

The upward trend in visitor numbers and shopper experience satisfaction over the research tracking period indicates that the program is delivering a solid return on investment.

The ongoing cycle of continuous improvement and strengthening of relationships with owner-operators of local businesses and the Small Business Development Corporation has gained momentum and has presented consistent outcomes within the Town's economic development portfolio.

Past Resolutions

Ordinary Council Meeting 6 December 2011, Resolution 271/11.

That Council:

1. *Adopt the Business Improvement District ('BID') Policy for advertising*
2. *Consult with the Claremont Town Centre business community*
3. *Consider an allocation of funding in the February budget review.*

CARRIED

Ordinary Council Meeting 6 March 2012, Resolution 23/12.

That Council:

4. *Adopts the Policy FC501 Business Improvement District, and*

CARRIED

Ordinary Council Meeting 1 May 2012, Resolution 61/12.

That COUNCIL:

1. *Impose a Specified Area Rate on the defined Town Centre BID area (being the area bounded by Stirling Highway, Stirling Road, Gugerri Street and Leura Avenue);*
2. *The approved purposes for which the rates may be expended are:*
 - a) *Marketing, advertising, publicity and digital media;*
 - b) *Improved signage/way finding;*
 - c) *Festivals;*
 - d) *Street activities;*
 - e) *Employees directly engaged in implementing the approved purposes.*
3. *In accordance with section 6.47 of the Local Government Act 1995 the rate be waived for all residential properties within the defined area;*
4. *Create a Reserve Fund titled Claremont BID Reserve, the purposes of which are described above.*

CARRIED BY AN ABSOLUTE MAJORITY

Ordinary Council Meeting 2 June 2015, Resolution 97/15.

That Council:

1. *Continue to impose a Specified Area Rate on the defined Town Centre BID area (being the area bounded by Stirling Highway, Stirling Road, Guger Street and Leura Avenue) for a further three year period to a maximum amount of \$120,000.*
2. *The approved purposes for which the rates may be expended are:*
 - a) *Marketing, advertising and publicity*
 - b) *Improved signage/ way finding*
 - c) *Festivals*
 - d) *Street activities*
 - e) *Electronic apps (to support above)*
 - f) *Employees directly engaged in implementing the approved purposes.*
3. *In accordance with section 6.47 of the Local Government Act 1995, the rate be waived for all residential properties within the defined area.*

CARRIED BY AN ABSOLUTE MAJORITY

Financial and Staff Implications

Council's contribution over the three-year period has been \$120,000. Funding of \$240,000 is proposed on the basis of the following:

A continuation of the Town's	\$120,000
+ SAR	<u>\$120,000</u>
Total:	\$240,000

As required, the SAR funds are to be managed through the Town's normal financial system, ensuring there is an acquittal system for expenditure. Council cannot grant the funds and /or delegate the expenditure of the funds to an external body.

The Town also provides the CTC project additional support through business support and office accommodation.

Policy and Statutory Implications

This report relates to the following:

- Town's Policy FC501 Business Improvement District
- *Local Government Act 1995* – Section 6.37 Specified Area Rates.

Publicity

The Act does not require that notice be given of the intention to impose a SAR, therefore formal public notice is not required. Businesses will be advised through their rates notice and through a CTC E-newsletter.

Strategic Community Plan**Prosperity**

Our businesses are thriving and integrated into the life of the Claremont community, and the town centre is known as a premier retail destination.

- Further develop and implement the principles of the Business Improvement District Policy to support local and new business.
- Reduce unnecessary barriers to new business and support the success of existing local businesses.
- Assist in creating local employment opportunities through a strong local economy.

People

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

- Create opportunities for and access to social participation and inclusion in support of community health and well-being.

Urgency

There is some urgency with this item to be incorporated in the 2018-19 budget, to secure resourcing requirements and to plan and execute of the Claremont Now Action Plan.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

OFFICER RECOMMENDATION

Moved Cr Goetze, seconded Cr Edwards.

That Council:

1. Continue to impose a Specified Area Rate on the defined Town Centre BID area (being the area bounded by Stirling Highway, Stirling Road, Guger Street and Leura Avenue) for a further three year period to a maximum amount of \$120,000.
2. Allocation in the Town's budget of \$120,000.
3. The approved purposes for which the rates may be expended are:
 - a) marketing, advertising and publicity
 - b) improved signage/way finding
 - c) festivals
 - d) street activities
 - e) electronic apps (to support above)
 - f) employees directly engaged in implementing the approved purposes.
4. In accordance with section 6.47 of the *Local Government Act 1995*, the rate be waived for all residential properties within the defined area.

**CARRIED BY AN ABSOLUTE MAJORITY(80/18)
(NO DISSENT)**

13 REPORTS OF THE CEO

13.1 CORPORATE AND GOVERNANCE

13.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2018

File Ref:	FIM/0062-03
Attachments:	Financial Report for the Period Ended 31 March 2018 (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:	15 May 2018

Purpose

To present to Council the Statement of Financial Activity for the month ending 31 March 2018.

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 present the operational results to 31 March 2018 and compares year-to-date expenditure and revenue against revised budget. The budget figures incorporate all 2016-17 carry-forwards approved as part of the June 2017 end of year report and mid-year budget review adopted by Council on 20 February 2018.

The closing surplus of \$4,283,393 compares favourably against the budgeted surplus of \$3,632,952. The budgeted closing surplus estimates the total (capital and operating) revenue expected less the total expenditure expected for the period. Variations in timing typically account for much of the difference between budgeted surpluses and actual reported. As part of the 2018-19 Budget preparations, administration is also currently forecasting year-end financials to identify any further potential savings/over-expenditure. As detailed below, the \$650,441 of variance is made up of:

Under budget	
Operating expenditure	\$559,765
Capital expenditure	\$194,591
Capital revenue	(\$177,862)
Over Budget	
Operating revenue	\$73,948
Variance	<u>\$650,441</u>

In accordance with Council's variance reporting requirement, only the variances above \$20,000 are reported below as major contributors. For further detail on all variances, refer to Attachment 1.

Operating revenue – \$73,948 above budget.

The major contributors to the operating revenue variations are:

	Revenue Budget	Revenue Actual	Variance
Fees and charges	2,267,253	2,292,767	25,514
Interest earnings	486,281	505,657	19,376

- Fees and charges - due to timing of income from Aquatic Centre revenue.

Important revenue indicators are:

Total rates (including arrears, ESL and other charges) are \$18.191M with collection to date of \$17.81 M or 97%. This compares to 98% collection in the previous financial year for this period.

Debtors show +90 days outstanding of \$26K which relate mainly to parking lease and contribution invoices. Most have been sent to our debt collection agency for further follow up.

Operating expenditure - \$559,765 under budget

The major contributors to the operating expenditure variations are:

	Expenditure Budget	Expenditure Actual	Variance
Employee Cost	5,292,166	5,143,742	148,424
Material and Contracts	10,624,914	10,251,800	373,114
Utilities Charges	414,412	389,945	24,467
Other Expenses	661,968	614,198	47,770

- Employee costs - due to the timing of training and recruitment costs \$17K, superannuation \$36K along with timing of employee costs.
- \$373,114 materials and contracts – timing differences of which \$215K relates to material and contracts (infrastructure maintenance) and \$54k relates to office expenses (IT).
- \$24,467 utilities - timing
- \$47,770 - timing of contributions and WESROC projects and contributions.

Capital revenue – (\$177,862) below budget.

This variance is mainly due timing of non-operating grants (\$134K) and the proceeds from sale of vehicles (\$38k).

Capital expenditure – \$194,591 under budget.

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

- \$195K below budget in infrastructure works due to timing. Attachment 2 provides further detail on the projects and variance explanation.
- \$71K under budget on land and building is due to timing. Note 10 (Attachment 1) provides further detail of the projects.
- \$92K over budget on reserve transfer is due to timing of interest income from reserve funds.

Underground Power (UGP) Project

As expected, the Underground Power Project (UGP) included in the 2017-18 budget will run into the 2018-19 (and potentially into the 2019-20 year). A project estimate of \$11.12 million was included into 2017-18 adopted budget, funded through a mix of borrowing, reserves, and contribution by beneficiary properties through levying of a service charge.

Western Power have recently (April) awarded the tender for the work and all impacted properties identified. As detailed in Table 1 below, the project expenditure and funding mix has been amended to reflect the changes.

The contract with Western Power requires the Town to make progress payments over the installation period. To date instalments of \$6.0M have been made with a total of \$7.5M payable by 30 June 2018. A further \$100,000 has also been provided for project management, consultation and systems upgrades associated with the project.

In addition to the cost, timing of income and expenditure has been assessed and allocated across the current and 2018-19 year. As detailed in the Table 1, there is a short term funding deficit \$1.68M for the current (2017-18) year as a result of the UGP service charge being levied in the 2018-19 year.

To address this deficit, it is recommended Council fund the \$1.68M through its Future Fund with the funds to be reimbursed following issue of the UGP Service Charge in August 2018.

While unbudgeted, use of the Future Fund Reserve is consistent with the purpose of the reserve and public advertising under s.6.11 of the Act is not required.

Table 1 – Underground Power Project

	2017-18 Budget	Revised budget/ Forecasted Actual	2017-18 Revised Budget	2018-19 Proposed Budget
Service Levy	3,700,000	4,180,000	0	4,180,000
Loans	4,500,000	3,000,000	3,000,000	0
Reserve	2,920,000	3,090,000	2,920,000	170,000
Contribution (CoN)	0	257,600	0	257,600
	11,120,000	10,527,600	5,920,000	4,607,600
Contract	11,120,000	10,279,600	7,600,000	2,679,600
Contingency/Other		248,000		248,000
Transfer to/from Reserve	0	0	(1,680,000)	1,680,000

Past Resolutions

Ordinary Council Meeting 20 March 2018, Resolution 41/18:

That Council notes the Financial Statement of Activity for the period 1 July 2017 to 28 February 2018.

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.

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

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

OFFICER RECOMMENDATION

Moved Cr Main, seconded Cr Tulloch.

That Council:

- 1. Notes the Financial Statement of Activity for the period 1 July 2017 to 31 March 2018.**
- 2. Approves amendment of the 2017-18 Budget to reflect the projected 2017-18 income and expenditure for the Underground Power Project as detailed in Table 1.**
- 3. Approves transfer of \$1.68M from Future Fund Reserve to fund balance of the 2017-18 UGP expenditure.**
- 4. Includes in the draft 2018-19 Budget, provision for the projected 2018-19 income and expenditure for the Underground Power Project, including transfer of \$1.68M to the Future Fund Reserve as detailed in Table 1.**

**CARRIED BY AN ABSOLUTE MAJORITY(81/18)
(NO DISSENT)**

13.1.2 LIST OF PAYMENTS 1 TO 30 APRIL 2018

File Ref:	FIM/00062-02
Attachment:	OCM Schedule of Payments April 2018 (Attachment 1) Purchase Card May 2018 (Attachment 2) Purchase Card April 2018 (Attachment 3)
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Edwin Kwan Senior Finance Officer
Proposed Meeting Date:	15 May 2018

Purpose

For Council to note the payments made in April 2018.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from the Municipal Fund or Trust Fund. The CEO is required to present a list to Council of those payments made since the last list was submitted.

Discussion

Attached is the list of all accounts paid totalling \$4,295,681.81 during the month of March 2018.

The attached schedule covers:

- Municipal Funds electronic funds transfers (EFT) \$ 3,731,711.39
- Municipal Fund vouchers (39570-39571) \$ 5,894.60
- Municipal Fund direct debits \$ 501,457.45
- Trust Fund electronic funds transfer (EFT) \$ 56,618.37
- 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 1 May 2018, Resolution 64/18:

That Council notes all payments made for March 2018 totalling \$2,241,815.50 comprising;

<i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$ 1,623,488.05</i>
<i>Municipal Fund vouchers (39569)</i>	<i>\$ 5,431.83</i>
<i>Municipal Fund direct debits</i>	<i>\$ 573,453.53</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	<i>\$ 39,442.09</i>
<i>Trust Fund vouchers</i>	<i>\$ 0.00</i>

Financial and Staff Implication

Resource requirements are in accordance with existing budgetary allocation.

Policy and Statutory Implications

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

Communication / Consultation

N/A

Urgency

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

Voting Requirements

Simple majority decision of Council required.

OFFICER RECOMMENDATION

Moved Cr Edwards, seconded Cr Browne.

That Council notes all payments made by the Chief Executive Officer under Delegation DA9 for April 2018 totalling \$4,295,681.81, as detailed in Attachment 1 comprising:

Municipal Funds electronic funds transfers (EFT)	\$ 3,731,711.39
Municipal Fund vouchers (39570-39571)	\$ 5,894.60
Municipal Fund direct debits	\$ 501,457.45
Trust Fund electronic funds transfer (EFT)	\$ 56,618.37
Trust Fund vouchers	\$ 0.00

**CARRIED(82/18)
(NO DISSENT)**

13.1.3 ADOPTION AND GAZETTAL TOWN OF CLAREMONT MEETING PROCEDURES LOCAL LAW 2018

Attachments:	<i>Town of Claremont Meeting Procedures Local Law 2018 (Attachment 1)</i>
	<i>Public Submissions for the Town of Claremont Meeting Procedures Local Law 2018 (Attachment 2)</i>
	<i>Tracked Changes to Town of Claremont Meeting Procedures Local Law 2018 (Attachment 3)</i>
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Danielle Uniza Senior Governance and Risk Advisor
Proposed Meeting Date:	15 May 2018

Purpose

To present submissions received in response to advertising of the draft local law and to recommend adoption of the *Town of Claremont Meeting Procedures Local Law 2018* as presented in Attachment 1.

Background

At its Ordinary Council Meeting held on 6 March 2018, Council resolved to undertake advertising of the *Town of Claremont Meeting Procedures Local Law 2018* to seek public submissions regarding the proposed repeal of the *Town of Claremont Standing Orders Local Law 2009* and its subsequent replacement with this local law.

In accordance with s3.12 of the *Local Government Act 1995*, state-wide public notice was provided through advertisement in the West Australian, The Post and the Western Suburbs Weekly.

The public notice outlined the purpose and effect of the proposed Local Law, and invited submissions with regard to the local law for a period of at least 42 days. No public submissions were received.

A copy of the proposed local law was forwarded to the Department of Communities (the 'Department'). This report has considered the submission made on behalf of the Department (Attachment 2), and consequently proposes minor amendments to the local law.

Discussion

With the current local law having been adopted nearly 10 years ago, it was deemed more appropriate to approach the review through a 'repeal and replace' process. As such, the Town has used the WALGA model Meeting Procedures local law as the base

for the proposed *Town of Claremont Meeting Procedures Local Law 2018* in lieu of amending the existing local law.

With Meeting Procedures practices being generally standard across the sector, only a few substantive changes were identified within the existing local law for discussion with Councillors at the Elected Member Forum held on 19 February 2018. At that Forum, the following items were raised and amended:

- Removal of proposed clause 9.3 - 'Unopposed business'
- Removal of proposed procedural motion clause 10.5 – 'Meeting to proceed to the next business'
- Removal of clause 15.2 – 'Limitations on powers to revoke or change decisions'

The above changes were incorporated within the draft *Town of Claremont Meeting Procedures Local Law 2018* made available for public comment and provided to the Department.

The advert of the Local Law stating its purpose and effect, and seeking public submissions appeared in the *West Australian* on 13 March 2018, the *Western Suburbs Weekly* on 13 March 2018, and *The Post* on 17 March 2018. The public submission period was 48 days from 13 March 2018 to 30 April 2018.

The public submission period yielded only one response from the Department. Based on their comments (as outlined in Attachment 2), minor edits have been made to the proposed Local Law which are reflected as tracked changes in Attachment 3. It should be noted that these amendments have been minor in nature and do not change the intention or application of this local law.

Suggested amendments received from the Department include:

Clause	Amendment	Reason
s6.16 – Recording of proceedings	Additional subclause stating that the Presiding Member to advise before the meeting commences of the type of recording permitted and the extent of the permission, if the Presiding Member has granted such permission under 6.16(1).	To ensure that the Council and the public are informed of meeting recordings.
s7.15 – Adverse reflection	Additional subclause stating that members are to refrain from adverse reflection of previous decisions of Council "unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered".	To ensure that a majority of adverse reflections are avoided, whilst still allowing Council the option of allowing them when necessary.
s18.1 – Penalty for breach	Revision of penalty for breaches under this local law.	To ensure penalties imposed under this local law is commensurate with severity of breach. With offences under the meeting procedures being relatively minor compared

		to other local laws that involve public safety or local government property, it is prudent to reduce penalties from that of the maximum allowed amount.
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It is proposed that the above changes, along with other minor changes, be accepted, and the amended *Town of Claremont Meeting Procedures Local Law 2018* (as presented in Attachment 1) be adopted by Council and submitted for Gazettal. Adhering to statutory and public notice requirements, it is anticipated that this Local Law will come into effect in June 2018.

Past Resolutions

Ordinary Council Meeting 6 October 2002, Resolution 276/09:

THE AMENDED SUBSTANTIVE MOTION WAS PUT

That Council:

2. *That Council repeals the Standing Orders Local Law 2000 and adopts the Town of Claremont Standing Orders Local Law 2009 with the amendments as specified in 1.*

CARRIED BY AN ABSOLUTE MAJORITY

Ordinary Council Meeting 6 March 2018, Resolution 27/18:

That Council

1. *Gives public notice outlining the purpose and effect of the proposed Town of Claremont Meeting Procedures Local Law 2018*
2. *Seeks public submissions in line with s3.12 of the Local Government Act for the proposed local law (as provided in Attachment 1), and*
3. *Receives a further report to consider submissions on the proposed Meeting Procedures Local Law 2018 after the close of the submission period.*

CARRIED

Financial and Staff Implications

The costs of the review are within Council's budget allocation.

Policy and Statutory Implications

Local Government Act 1995 s3.12 Procedure for Making Local Laws

Local Government (Functions and General) Regulations 1996 Part 1A Local Laws

Communication / Consultation

The proposed Local Law was advertised for the purpose of calling for public submissions for a period of approximately seven weeks.

During the public submission period, one submission was received from the Department of Communities. The outcome from the feedback provided is detailed within the 'Discussion' section of this report.

Strategic Community Plan

Governance and Leadership

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

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Demonstrate a high standard of governance, accountability, management and strategic planning.

Urgency

The *Town of Claremont Standing Orders Local Law 2009* was due for its 8-yearly review in line with s3.16 of the *Local Government Act 1995*.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

OFFICER RECOMMENDATION

Moved Cr Haynes, seconded Cr Edwards.

That Council:

1. **Acknowledge the submission received from the Department of Communities on the *Town of Claremont Meeting Procedures Local Law 2018*.**
2. **Adopt the *Town of Claremont Meeting Procedures Local Law 2018*, as presented in Attachment 1, as a Local Law of the Town of Claremont.**
3. **Authorise the Chief Executive Officer to undertake statutory advertising, Gazettal and all other actions necessary to ensure the *Town of Claremont Meeting Procedures Local Law 2018* comes into operation.**

**CARRIED BY AN ABSOLUTE MAJORITY(83/18)
(NO DISSENT)**

13.1.4 PRECINCT PARKING PERMIT FEES

File No:	LAW/00089
Responsible Officer:	Les Crichton Executive Manager Corporate and Governance
Author:	Brian Kavanagh Manager Statutory Services
Proposed Meeting Date:	15 May 2018

Purpose

The report recommends waiving the fee for the two allocated parking permits for each single residential property until the 2020-21 financial year and retains and charges the schedule fee for any additional approved parking permit.

Background

In October 2016 Council endorsed the implementation of Parking Precincts and the proposed control zones. Council also adopted the Precinct Parking Management Policy LV131 and Parking Permit Policy LV132.

Parking Permits will allow residents or their visitors to park on any street within the precinct in which their residence is located. The Parking Permits are allocated to and valid only for the precinct to which they have been issued. The Permits will allow residents or their visitors to park longer than the applied timed parking restriction. Parking Permits allow the Permit holder to park on the street for a period of 72 hours before the resident is required to shift the vehicle.

Prior to October 2016, several forums were held seeking input and providing clarification with Councillors regarding the objectives of the Precinct Parking strategy and implementation of the plan.

At the forum on precinct parking on 30 April 2018, Councillors were advised a report on the proposed permit fees would be presented for Council consideration.

Discussion

The Town conducted two consultation periods during 2016 and 2017, providing residents with information packages outlining the objectives of the Precinct Parking strategy and seeking residents' feedback. The information packages sent to the residents following the adoption of the 2017-2018 budget Fees and Charges Schedule included details and costs to purchase parking permits.

The Town received 313 responses during the consultation periods. Of these, 65 (21%) residents raised concerns regarding payment for parking permits and the cost of each permit. The thrust of concerns centered on the right of residents and their visitors to have access to park in their street without a fee being placed on obtaining a parking permit.

The Parking Permit Policy LV132 places a limit of two parking permits to each single residential property. Residents living in multiple dwellings are excluded from obtaining permits. Clause 7 of the policy provides discretion to the Chief Executive Officer to

issue additional Permits over the initial two issued. This best reflects current demand while acknowledging the limited on-road bays available.

The 2017-2018 budget and the Fees and Charges schedules provides for the purchase of parking permits by residents at \$75 each. The permits are provided for a three year period to remove the need to make application every year, which equates the annual cost \$25.00.

Additional permits over the allocated two available to each single residential property are \$150 each (subject to approval by the Chief Executive Officer).

There is now a community-wide acceptance of timed parking being introduced to local streets within the district with requests from residents urging the Town to immediately roll out the Precinct Parking Plan.

As timed parking is introduced to one street, vehicles move to adjoining streets (creep factor) where there is no limitation. This creates pressure for parking on available on-street parking bays to the detriment of the local resident.

Options:

1. \$75 per permit

This options maintains the pricing as originally proposed and endorsed by Council in its October 2016 resolution. As detailed earlier, of the feedback received relating to the introduction of precinct parking, charging of fees was the single biggest issue from respondents.

This fee for is comparable to other local governments (Subiaco: \$30; Vincent: \$27) and while making a substantial contribution to cost recovery of implementation and ongoing costs in administering the permits,

2. \$50 per permit

As the strategy was intended to be implemented as from 1 July 2017, the permits were printed indicating they were valid for the three years from 1 July 2017 to 30 June 2020.

The delay in the implementation restricts the validity of the permit to two years and, assuming the \$25pa is retained, the fee can be set at \$50 per permit.

Based on issue of 1,000 permits, this option does not recover full implementation and administration costs of the strategy, but may be seen more favourable by residents who have paid nothing previously.

3. No initial fee (Delay fee until expiry)

Delaying charging the fee until 1 July 2020 responds to the concerns raised from the consultation processes. It may also allow the Town to bed down the strategy, address anomalies as they arise, and ensure the structure in place and value demonstrated.

This option makes no contribution to the implementation or administration costs of the strategy until 1 July 2020 but does support the majority of the community's expectations.

None of the options place a value on the provision of a public asset (road) to park private vehicles.

Past Resolutions

Ordinary Council Meeting 21 March 2017, Resolution 34/17:

That Council authorises the Chief Executive Officer to implement:

1. *Four hour (4P) timed parking control measures Monday to Friday 7.00am to 6.00pm to Parking Stations 1A, 1B, 1C, new golf course car park and 5A on or before 30 June 2017*
2. *Two hour (2P) timed parking control measures Monday to Friday 7.00am-6.00pm and Saturday 7.00am -12.30pm along the six roads within NEPZ1 identified in the report on or before 30 June 2017.*
3. *Business owners permits be authorised for use in car park 1A. Fee for yearly and monthly permits to be set as part of the budget process.*

Ordinary Council Meeting 4 October 2016, Resolution 155/16:

That Council:

1. *Endorse the implementation of Parking Precincts*
2. *Endorse the proposed control zones within each precinct*
3. *Adopt Draft Precinct Parking Management Policy LV131*
4. *Adopt Draft Parking Permit Policy LV132, and*
5. *Receive a further report on fee paying management options to better reflect and manage user demands in all off-street car parks and on-street bays within the NEP Zone 1. Options to include recommended restrictions times and parking fee business case to determine an appropriate fee structure for the Zone.*

Financial and Staff Implications

Expenditure to date including consultation, signage and permits has been \$64,000 in preparation for the implementation of the Precinct Parking strategy. This however does not include staff time.

Based on 1,000 Permits being purchased for \$75 as proposed (1 July 2017) the income from the sale of permits are estimated at \$75,000 (\$25,000 per year) over three years.

Policy and Statutory Implications

Parking Local Law 2016.

Parking Permit Policy LV132.

Precinct Parking Management Policy LV131.

Local Government Act 1995.

Road Traffic Code 2000.

Communication / Consultation

Consultation to date has included:

- Informative material directly to residents
 - FAQ leaflets and pamphlets
 - 'Town Talk' feature
 - Local Newspapers
-

- Facebook, 'Claremont Now', and
- Town's website.

Further information will be provided to residents as the precinct parking is implemented.

Urgency

The Town is being requested by residents to introduce a parking system that provides residents and their visitors' reasonable access to on-street parking spaces. The growth of the area is attracting more people to the precincts; therefore, compounding the competition for the limited number of available on-street bays, to the detriment of the residents or their visitors.

Voting Requirements

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

OFFICER RECOMMENDATION

Moved Cr Goetze, seconded Cr Main.

That Council:

- 1. Retain the parking permit fees as set out in the 2017-18 Fees and Charges however waive the fees until 2020-21.**
- 2. Retain and charge the \$150 fee for each additional parking permit as set out in the 2017-18 Schedule of Fees and Charges.**

AMENDMENT

Moved Cr Haynes.

That all words after 'charges' be deleted and replaced with 'and charge pro-rata 2018-19 to 2020-21'.

Reason: To implement the approved charges forthwith.

LAPSED

THE PRIMARY MOTION WAS PUT

**CARRIED BY AN ABSOLUTE MAJORITY(84/18)
(NO DISSENT)**

Items 13.2.1 and 13.2.2 were carried en bloc.

13.2 PLANNING AND DEVELOPMENT

13.2.1 LOT 888 (15) GRANGE STREET CLAREMONT - ABOVE-GROUND SWIMMING POOL ADDITION TO HERITAGE DWELLING

File No:	A5429
Attachments – Public:	Location and Submission Map (Attachment 1) Photograph (Attachment 2)
Attachments – Restricted:	Plans (R-Attachment 1) Submissions (R-Attachment 2)
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	15 May 2018
Date Prepared:	2 May 2018
Planning Application No.:	DA 2018.00007
60 Days Due Date:	12 March 2018
Property Owner:	Leonie Hallam
Submitted By:	Wright Landscape Solutions
Lot No.:	888
Area of Lot:	1308m²
Zoning:	Residential R15/20
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA)</i> Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC) Residential Amenity Policy (LV129)

Summary

- Application for Development Approval received for an above ground swimming pool on a heritage listed property.
 - Proposal has the potential to overlook the adjacent properties to the north and west.
 - Two neighbours were consulted and two objections were received.
 - The plans have been amended to address the majority of neighbours' and administration's concerns. One objection has been withdrawn.
-

- The remaining objection from the neighbour to the north is based on concerns over privacy from the pool area, noise from the pool and a request for construction of a new 4m high limestone boundary fence as the existing Colourbond fence is sub-standard.
- The applicant has raised the pool lip to increase the level of privacy between the two properties. If approved, conditions on the treatment of the pool lip and retention of landscaping will aid the level of privacy between the two properties. Concerns raised with regard to noise and the existing fence are matters outside the planning controls and are administered by the *Dividing Fences Act 1961* and *Environmental Protection (Noise) Regulations 1997*.
- Application is recommended for approval, subject to relevant conditions.

Purpose

For Council to determine an application for Development Approval for an above-ground swimming pool.

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

Background

15 Grange Street was originally a two lot property however was amalgamated due to substantial additions approved in 2012 under DA2012.00076. Subsequent to these works, an above ground pool in the same location and of similar design was lodged in 2016 however neighbour objections could not be resolved and the application was withdrawn. The new owners of the property have reapplied for a similar swimming pool with some changes to address privacy concerns of the neighbours.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
10 January 2018	Development Application received by Council.
17 January 2018	Application undergoes internal DCU assessment.
19 January 2018	Additional information requested from applicant.
25 January 2018	Additional information received from applicant.
1 February 2018	Advertising commenced.
16 February 2018	Advertising closed.
2 May 2018	Report prepared for Council.

Past Resolutions

There are no past Council resolutions relevant to this application.

Heritage

The property is listed on the Town's Local Government Inventory and Heritage List. The application was referred to the Town's Heritage Officer who supports the proposal as it will not have any physical or visual impact on the heritage values of the original dwelling on the property.

Consultation

The application was advertised in accordance with Local Planning Policy LG525. Two neighbours were consulted and two objections were received. A summary of the submission has been provided as follows:

Submissions Received		
Address:	22 Parry Street, Swanbourne	
Submission	Applicant Comment	Officer Comment
Concerned with overlooking into rear garden and pool area. Request that existing limestone fence be raised.	Agree to raise the existing fence by 1 course of limestone to provide additional privacy.	One course of limestone will raise the height of the fence to 1.6m above the level of the adjacent pool deck and will ensure privacy to the adjoining property. Objection has since been withdrawn.
Address:	17 Grange Street, Claremont	
Submission	Applicant Comment	Officer Comment
15 Grange Street sits on considerably higher ground than our home.	Agree to maintain the current fence shrubbery which adds another level of privacy.	There is approximately a 1.9m level difference between the two houses, however the house at 15 Grange Street is set well back from the northern side (common) boundary. At the common boundary, the levels appear consistent.
We are already overlooked (by the existing deck) and feel that we cannot enjoy privacy on our own property.	No comments provided but revised plans received including a raised northern side of the pool to prevent overlooking from the pool itself.	The existing deck is 9.5m from the northern (side) boundary and fully complies with the visual privacy requirements of the Residential Design Codes (RDC) which requires a setback of at least 7.5m. The new deck for the pool has an RDC compliant 7.5m setback from the northern boundary and a raised side wall of the pool setback 1.5m to a height of approximately 0.55m above the water line to reduce overlooking from the deck and pool itself into the secondary rear yard space of the adjoining dwelling.
The existing Colourbond fence lacks retaining which results in sand and water seepage into our property.	No direct comments received, however comments in general note that matters concerning the existing fence are separate to the application and subject to the <i>Dividing Fences Act 1961</i> .	This is a separate, pre-existing issue however all stormwater is required to be retained within the property. The owner is advised to investigate this and remedy if necessary.
The only possible solution is for a 4m high stone boundary fence extending 15m from the rear of the property. This would help shield us from overlooking, runoff and pool noise (including pool pump which is next to our fence). The existing high limestone fence at the rear of 15	See comments above.	Replacement of the existing fence is a <i>Dividing Fences Act 1961</i> matter between the owners. The existing wall on the neighbour's property is 3.1m high, not 4m. A wall of 2.5m high would be sufficient to stop all eye contact between these properties. Noise from the pool pump is likely to be audible from the neighbour's rear courtyard but is not a relevant planning concern as it

<p>Grange is a precedent for this.</p> <p>Visual privacy and quietness is very important to us as we have older people and university students in the house.</p>	<p>No comments provided but revised plans received including a raised northern side of the pool to prevent overlooking from the pool itself.</p>	<p>is dealt with under <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>Overlooking complies with RDC requirements but is non-compliant with Amenity Policy LV129. Raised side wall of pool and retention of existing vegetation will result in improved privacy. Noise from residential activities is not a relevant planning concern, but is controlled <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
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Full copies of the submissions are attached to this report.

Discussion

Description

The application proposes an above ground pool in the north-western corner of the property, 1.5m from the property boundaries. The pool is level with an existing (approved) deck area and has a water level 1.8m above the existing ground level. The space between the pool and the fences will be fenced off and landscaped such that it is not readily accessible.

The fence to the rear (west) is approximately 1.2m above the level of the deck with a total height of 3.1m. The fence to the north (side) is approximately 1.6m high, slightly below the proposed water level of the pool.

To provide privacy, the pool includes a raised lip on the western and northern sides. This lip is 0.55m higher than the water level of the pool and is designed to ensure people swimming in the pool cannot look over the fence into the adjacent property to the north (17 Grange). The eastern edge of the pool (facing towards the street and garden) is level with the water and allows some views into the property to the north.

Compliance

The development proposes variations to the provisions of the Residential Design Codes (RDC) and Council’s Residential Amenity Policy. Where a development does not meet the ‘Deemed to Comply’ requirements of the RDC it is required to be assessed under the ‘Design Principles’ and approval can be supported where the development meets these broader objectives. Where development does not comply with the provisions of a Policy, a variation can be considered under the terms of the Policy and TPS3.

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

1. Deck extension is raised more than 0.5m above the natural ground level and has a visual privacy setback from the western (rear) boundary of 1.5m in lieu of 7.5m. (RDC)

2. Pool allows overlooking of the property to the north as assessed under LV129 – Residential Amenity.

The proposal is considered to meet the Design Principles of the RDC and qualifies for a variation to Council's Residential Amenity Policy (LV129) as:

1. Overlooking from the deck has been addressed by the applicant agreeing to add an additional course of limestone to the existing limestone wall. This will increase its height to 1.6m above the deck level, granting sufficient privacy. The affected neighbour (to the rear) has agreed to this and has withdrawn their objection.
2. One of the objectives of LV129 is to:

Ensure that when new residential development is proposed, due consideration is given to the preservation of reasonable amenity for occupiers of adjoining properties and the surrounding area.

The pool does not comply with Amenity Policy LV129 as it will be possible for someone swimming in the pool to look over the eastern (front) edge of the pool and into the property to the north. It is also potentially possible that someone in the pool could look over the 0.55m high edge of the pool or could sit atop this wall, affording an even clearer view of the adjoining property, however, if the pool is approved, a curved or angled top of the pool lip would limit the capacity for a person to stand on the pool lip.

The adjoining property has a large courtyard adjacent to the proposed pool. Overlooking into this area could cause a loss of privacy and enjoyment of this space, however it is noted that the courtyard is not the primary outdoor area.

A site visit was undertaken which found that the lip to the proposed pool would increase the level of privacy between the two properties as it is higher than the existing fence. Further, there is existing vegetation along this boundary that, if retained, would provide additional privacy between the properties. Overlooking from the eastern edge of the pool will have minimal impact on the neighbour as only the side of the house is visible from this vantage point and the only nearby window (to a stairwell) on that side of the house is obscure glazed.

Summary

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

Voting Requirements

Simple majority decision of Council required.

OFFICER RECOMMENDATION

Moved Cr Haynes, seconded Cr Kelly.

THAT Council grant Development Approval for a proposed above ground pool at Lot 888 (15) Grange Street, Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00007), as amended by these conditions.**
- 2. The raised lip on the southern and western sides of the pool is to be designed with a curved or angled top to discourage sitting.**
- 3. Existing screening vegetation along the southern boundary of the property and adjacent to the pool is to be maintained hereafter. Should any of the trees die they are to be replaced with mature specimens to the satisfaction of the Town of Claremont within 30 days.**
- 4. An additional course of limestone (that matches the existing) is to be added to the rear dividing fence extending 7.0m from the edge of the existing rear deck.**

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.
- 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:** 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 6:** The owner is advised that existing issues with stormwater runoff under the fence on the northern side of the property need to be investigated and remedied.
-

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 7: 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.

**CARRIED(68/18)
(NO DISSENT)**

13.2.2 SCHEME AMENDMENT NO 135 - AMENDING OF ZONING OF LOT 90 FERN STREET SWANBOURNE

File No:	LND/00115
Attachments – Public:	Scheme Amendment (Attachment 1)
Attachments – Restricted:	Submissions (R-Attachment 1)
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	15 May 2018
Date Prepared:	27 April 2018
Lot No.:	90
Area of Lot:	685m²
Zoning:	Residential R20
Financial Implications:	See report
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA) Planning and Development (Local Planning Schemes Regulations) 2015 (LPS Regs)</i>

Summary

- Lot 90 Fern Street is 685m² block of land owned in freehold by the Town of Claremont and is currently undeveloped.
- Scheme Amendment No. 135 to amend the 'Residential' zoning of Lot 90 with a density coding of 'R20' to 'Local Reserves – Recreation' was initiated by Council at the Council Meeting of 16 May 2017.
- The Amendment was advertised for 45 days from 24 February 2018 to 10 April.
- 20 neighbours were consulted and six submissions were received. Four submissions support the amendment while two were against
- While the land has a financial value to the wider community the interests and efforts of local residents are supported in this instance. It is recommended that Council adopt the Amendment without modification and forward the necessary documents to the Minister for Planning for endorsement.

Purpose

For Council to consider the finalisation of Amendment No. 135 and to make a resolution in accordance with the LPS Regs.

Background

For detailed background on this amendment see the Council Minutes of 27 June 2017.

Date	Item/Outcome
27 June 2017	Council initiates Scheme Amendment No. 135.
5 October 2017	Amendment referred to EPA for assessment.
20 October 2017	Response received from EPA.
24 February 2018	Advertising commenced.
10 April 2018	Advertising closed.
27 April 2018	Report prepared for Council.

Past Resolutions

Ordinary Council Meeting 20 April 2010, Resolution 88/10:

That:

1. *The Officer Recommendation not be adopted*
2. *Having considered the minutes of the Special Elector's Meeting of 30 March 2010, Council receive and acknowledge the resolution of the meeting.*
3. *Taking into account Council's duty to represent the interests of the electors, ratepayers and residents of the district, Council maintain Lot 90 Fern Street on the Register of Assets as a freehold block zoned residential R20.*

Ordinary Council Meeting 27 June 2017, Resolution No. 94/17:

That Council, in accordance with Section 75 of the Planning and Development Act 2005, amend Town Planning Scheme No. 3 as follows:

1. *Amend the 'Residential' zoning of Lot 90 Fern Street, Claremont to 'Local Reserves- Recreation',*
2. *Amend the Scheme map accordingly, and*
3. *Authorise the amendment documentation to be finalised and signed by CEO and Mayor.*

Statutory Considerations

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

The amendment has been determined to be a 'Standard' amendment under the LPS Regs. This requires an advertising period of not less than 42 days (45 days advertising commenced 24 February until 10 April 2018).

Council is required to make a recommendation on all submissions received and determine whether to finalise (with or without modification) or whether not to proceed with the Amendment, and then forward the Amendment to the Minister for Planning for consideration of approval and gazettal.

Consultation

The application was advertised in accordance with the LPS Regs. Twenty neighbours were consulted and the proposal was advertised in the Post Newspaper, on the Town's

website and a sign was placed onsite. Six submissions were received, four in support and two opposed. A summary of the submissions is provided as follows:

Submissions Received	
Address:	40 Fern Street, Swanbourne
Submission	Officer Comment
Delighted to have this rezoning occur. Parkland will be secured and the very dangerous bend in Fern Street will retain clear views of oncoming traffic.	Comments noted. It is recommended that the submission be supported.
Address:	35 Fern Street, Swanbourne
Submission	Officer Comment
I would like to thank the Council for this. Park area is a wonderful, safe and green amenity for residents, school children, parents and birdlife.	Comments noted. It is recommended that the submission be supported.
Address:	3/9 Cornwall Street, Swanbourne
Submission	Officer Comment
I would like to see Lot 90 amalgamated with the McKenzie Bushland to the north. Request that land on the corner of Garden Street and Devon Road also be made into a park.	Lot 90 will not be amalgamated with the land to the north as this is crown land whereas Lot 90 is owned by the Town in freehold. Lot 50 (31) Devon Road is a separate site and any decision will need to be considered at a later date. It is recommended that the submission be supported.
Address:	37 Fern Street, Swanbourne
Submission	Officer Comment
Delighted with the decision by Council. Residents have had a long and arduous debate regarding Lot 90 and are now waiting for confirmation.	Comments noted. It is recommended that the submission be supported.
Address:	8 Second Avenue, Claremont (Ratepayer and Employee of the Town)
Submission	Officer Comment
Do not support rezoning of Lot 90. Land has a resale value of \$900k-\$1mil. The resale of the land can be put to the benefit of all residents of the Town. This amendment is being driven by a few residents who live in or nearby Fern Street. They have a clear financial interest in having the property locked away from development. There are 11 hectares of public open space adjoining the site. It is beholden on Council to carefully consider the decision in the best interests of the broader Claremont community. It is also the responsibility of Elected Members to maximise the financial return on the site that can be put to better use such as repairs to the Claremont Aquatic Centre, McKenzie Pavilion and other built assets.	The likely resale value of land (~\$1mil) was raised in the original Council report. Noted. All four submissions in favour of amendment are from properties within 200m of the site. Original report notes that land does not provide and special or necessary services to the surrounding area and has no significant environmental purpose due to the substantial bushland and public open space nearby. These financial considerations were addressed by Council in the initiation report for this amendment. Three options were provided to Council at that time, inclusive not initiating the Amendment and full consultation involving a poll to determine community awareness and

	<p>consultation processes for the alternative proposal of selling the land as a community asset. In the last instance, results of the majority view from the poll was to determine the basis for support of the Amendment or alternatively dispose of the lot. Although Council could now resolve to not proceed with the Amendment, and dispose of the property if the Minister for Planning did not approve the Amendment, this would be inconsistent with Council's previous decisions at the time of initiation of the Amendment.</p> <p>It is recommended that the submission not be supported.</p>
<p>Address: 19 Franklin Street, Swanbourne (Ratepayer and Employee of the Town)</p>	
<p>Submission (Ratepayer and Employee)</p>	<p>Officer Comment</p>
<p>Support selling the land and using the proceeds to upgrade the McKenzie Pavilion. This will improve amenities in the local area, assist with the financial management of assets for ratepayers and support local cricket and hockey clubs.</p> <p>The report notes that there is no substantive environmental value to the land and no traffic safety issues.</p> <p>I walk past this lot frequently with my dogs and have never seen anyone using it.</p> <p>McKenzie Pavilion is in poor condition and would benefit from an upgrade. Realising the value of the lot would assist the Town financially rather than retain land that is of limited benefit other than to immediately adjacent residents.</p> <p>The neighbours have McKenzie Bushland accessible from their rear garden. Otherwise, only eight properties overlook the lot which is worth \$1mil, these properties can be asked to buy the lot.</p>	<p>See comments above with regard to Council's previous options and decisions in relation to this matter. If Council was to have disposed of the land, the use of any funds from the sale would need to be considered as part of the Town's annual budget, long term financial plan and Asset Management Plan.</p> <p>Noted.</p> <p>The lack of improvements to the site, along with the close proximity of larger, well-developed green space limit direct use by the public.</p> <p>Noted however this is to be considered under the Town's annual budget and long term financial plan. Such works need to be considered against other funding priorities and programs in the Town's Asset Management Plan.</p> <p>Submissions received in the most recent consultation have come from more than just the immediately adjacent residents.</p> <p>It is recommended that the submission not be supported</p>

Full copies of the submissions are attached to this report.

Discussion

The submissions received from the public reflect the two broad views regarding the best use of the land – whether it is more valuable to local residents as a green space or to the wider community as a financial asset that can be realised now or at some future date.

The history of the site includes a resident campaign to see it retained as green space. This has significance as the Town has invited residents (mostly those in close proximity to the site) to have input on this matter and organised a Special Meeting for Electors to discuss it in 2010. Fifty five members of the public attended this meeting which passed the following motion without dissent:

'That Lot 90 Fern Street, Claremont be incorporated into the existing reserve commonly known as McKenzie Bush.'

The monetary value of the land is not insignificant however the issues raised in submissions need to be seen in the context of the Town's overall budget and Asset Management Plan.

Financial and Staff Implications

Resource requirements to progress a scheme amendment are in accordance with existing budgetary allocation.

There is potentially a significant revenue opportunity if Council decided to not proceed with the Amendment and sell the lot if the Amendment is refused.

If the Amendment is approved there will be ongoing / bushland/parkland upgrade and maintenance operational costs.

Summary

Based on the above, it is recommended that the Amendment be finalised without modification in accordance with the officer's recommendation below.

Voting Requirements

Simple majority decision of Council required.

OFFICER RECOMMENDATION

Moved Cr Haynes, seconded Cr Kelly.

THAT Council support Officer's Recommendations with regard to the submissions received on Scheme Amendment No. 135 to Town Planning Scheme No. 3 and forward the Amendment without modification to the Minister for Planning for endorsement.

**CARRIED(68/18)
(NO DISSENT)**

Council returned to Item 7 on page 5 of the Agenda.

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Browne reported on his attendance at the 'Off the Page' event at the Goods Shed.

Cr Goetze reported on her attendance at the Scribbler's Festival and Mother's Day event.

Cr Main reported on her attendance at the Scribbler's Festival and Mother's Day event.

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

NIL

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

NIL

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

Moved Cr Browne, seconded Cr Goetze.

That the doors be closed in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, the meeting is closed to members of the public with the following aspect of the Act being applicable to this matter.

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

**CARRIED(72/18)
(NO DISSENT)**

Mayor Barker adjourned the meeting at 7:19PM.

All members of the press and public left the meeting at 7:19PM.

Ms Ledger, Mr Crichton and Mr Vinicombe left the meeting at 7:19PM.

Mayor Barker reconvened the meeting at 7:20PM.

17.1 CEO RECRUITMENT COMMITTEE**17.1.1 CEO RECRUITMENT COMMITTEE UPDATE**

File Ref: PER/00337
Responsible Officer: Cathy Bohdan
Executive Manager People and Places
Author: Danielle Uniza
Senior Governance and Risk Advisor
Proposed Meeting Date: 15 May 2018

Purpose

The following Item was considered in a closed session.

COMMITTEE RECOMMENDATION

Moved Cr Goetze, seconded Cr Kelly.

That Council receive an update from the CEO Recruitment Committee outlining progress in shortlisting candidates for the Chief Executive Officer position.

**CARRIED(73/18)
(NO DISSENT)**

MOTION

Moved Cr Edwards, seconded Cr Goetze.

That the Motions passed behind closed doors remain confidential.

**CARRIED(77/18)
(NO DISSENT)**

MOTION

Moved Cr Haynes, seconded Cr Browne.

That the doors be opened.

**CARRIED(78/18)
(NO DISSENT)**

The doors opened at 7:39PM.

Ms Uniza left the meeting at 7:39PM.

Three members of the press and public re-entered the meeting at 7:40PM.

Ms Ledger, Mr Crichton and Mr Vinicombe re-entered the meeting at 7:40PM.

THE MAYOR READ ALOUD THE RESOLUTIONS MADE BEHIND CLOSED DOORS.

Council returned to Item 11 on page 5 of the Agenda.

