



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 3 FEBRUARY, 2015**

**Les Crichton**

**ACTING 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**  
**3 FEBRUARY, 2015**  
**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 7:00 PM.

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

**Mayor Barker**

<b>Cr Peter Browne</b>	<b>West Ward</b>
<b>Cr Karen Wood</b>	<b>West Ward</b>
<b>Cr Peter Edwards</b>	<b>West Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Alistair Tulloch</b>	<b>East Ward</b>
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Anita Lorenz</b>	<b>East Ward</b>

**Mr Les Crichton (Acting Chief Executive Officer)**

**Mr Saba Kirupanather (Executive Manager Infrastructure)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Ms Katie Bovell (Governance Officer)**

**No members of the public**

**Two members of the press**

**3 DISCLOSURE OF INTERESTS**

**An interest was declared by Cr Wood, for Item No 13.2.3, Lease of Claremont Tennis Club - (Portion of Reserve 22142 & 9249) 2 Davies Road, Claremont.**

*Nature of Interest: Impartiality.*

*Extent of Interest: By virtue of being a member of Claremont Tennis Club.*

**An interest was declared by Cr Browne, for Item No 13.2.3, Lease of Claremont Tennis Club - (Portion of Reserve 22142 & 9249) 2 Davies Road, Claremont.**

*Nature of Interest: Impartiality.*

*Extent of Interest: By virtue of being a member of Claremont Tennis Club.*

**An interest was declared by Mayor Barker, for Item No 13.2.3, Lease of Claremont Tennis Club - (Portion of Reserve 22142 & 9249) 2 Davies Road, Claremont.**

*Nature of Interest: Financial.*

*Extent of Interest: By virtue of being the Patron of Claremont Tennis Club.*

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

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

NIL

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Edwards, seconded Cr Mews**

**That the Minutes of the Ordinary Council Meeting 9 December 2014 and the Minutes of the Annual General Electors Meeting 16 December 2014 be confirmed.**

**CARRIED(01/15)  
(NO DISSENT)**

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

Item 17.1.1, 151 (Lot 15) Claremont Crescent, Claremont - Expression Of Interest To Sell Property.

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

NIL

## 12 REPORTS OF COMMITTEES

### 12.1 CORPORATE AND GOVERNANCE

#### 12.1.1 2014 COMPLIANCE AUDIT RETURN

<b>File Ref:</b>	<b>GOR00076</b>
<b>Attachments:</b>	<a href="#">Compliance Audit Return 2015</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Katie Bovell</b> <b>Governance Officer</b>
<b>Proposed Meeting Date:</b>	<b>03 February 2015</b>

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#### **Purpose**

Report recommends Council adopt the 2014 Compliance Audit Return.

#### **Background**

At its meeting of 29 January 2015 the Audit Committee considered the 2014 Compliance Audit Return.

#### Officer Recommendation and Committee Decision

*THAT the Audit Committee recommend Council adopt the 2014 Compliance Audit Return as presented.*

#### **Discussion**

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

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

Completion of the CAR included checking of Council minutes, registers, files and clarifying matters with relevant staff. This review was completed in-house and reviewed by the Executive Team.

No areas of non-compliance were identified.

#### **Past Resolutions**

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

*That Council adopts the 2013 Compliance Audit Return.*

*CARRIED  
(NO DISSENT)*

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**Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

*Local Government Act 1995 s.7.13(i).*

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

**Publicity**

Nil.

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

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

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

**Urgency**

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

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Kelly**

**That Council adopts the 2014 Compliance Audit Return.**

**CARRIED(02/15)  
(NO DISSENT)**



**12.1.2 AUDIT COMMITTEE - RISK MANAGEMENT UPDATE**

<b>File Ref:</b>	<b>GOV/00054</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>Proposed Meeting Date:</b>	<b>03 February 2015</b>

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**Purpose**

Report recommends Council amend the name of the Audit Committee to the Audit and Risk Committee to reflect its risk management responsibilities.

**Background**

At its meeting of 9 December 2014, Council reviewed and adopted its Risk Management Framework, Risk Categories and Audit Committee Terms of Reference to more accurately reflect the responsibilities of the Committee relating to risk management.

At the Audit Committee meeting 29 January 2015, the Acting Chief Executive Officer provided an update to the Audit Committee on reporting processes relating to risk.

**Discussion**

In addition to noting the update which detailed;

- The Audit Committee will receive a Risk Executive Report detailing all strategic risks and those operational risks assessed as high.
- The Chief Executive Officer will receive a monthly report detailing all strategic risks and operations risks assessed as high and moderate.
- The Chief Executive Officer will receive a quarterly report detailing all risks.

the Audit Committee recommended that Council amend the name of the Audit Committee to the Audit and Risk Committee.

**Past Resolutions**

Ordinary Council Meeting 9 December 2014, Resolution 193/14:

*That Council adopt the;*

*Draft Risk Management Framework*

*Draft Risk Categories*

*Draft Audit Committee – Terms of Reference as presented.*

**CARRIED  
(NO DISSENT)**

**Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

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**Policy and Statutory Implications**

NIL

**Publicity**

NIL

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

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

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

**Urgency**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Kelly**

**That Council amend the name of the Audit Committee to the Audit and Risk Management Committee.**

**CARRIED(03/15)  
(NO DISSENT)**

## 13 REPORTS OF THE CEO

### 13.1 PLANNING AND DEVELOPMENT

*Items 13.1.1 to 13.2.1 were carried en bloc.*

#### 13.1.1 LOT 101 (2) ST QUENTIN AVENUE, CLAREMONT - PROPOSED SHOP FRONT ALTERATIONS AND SIGNAGE FOR WESTPAC BANK

<b>File Ref:</b>	<b>A-3963/DA-2014.00224</b>
<b>Attachments – Public:</b>	<a href="#">Location and Submission Plan</a> <a href="#">Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">Plans</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Jeremy Swan</b> <b>Senior Planner</b>
<b>Proposed Meeting Date:</b>	<b>3 February 2015</b>
<b>60 Days Due Date:</b>	<b>13 January 2015</b>
<b>Property Owner:</b>	<b>Captain Frank’s Pty Ltd</b>
<b>Submitted By:</b>	<b>Westpac Banking Corporation</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Town Planning Scheme No. 3 (TPS3)</b> <b>Local Law Relating to Signs (LLRS)</b> <b>Town Centre Zone Signage Policy (PS202)</b>

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#### Summary

- Application for planning approval received for proposed shop front alterations and signage for Westpac Bank.
- 16 neighbours were consulted and no submissions were received.
- Application is recommended for approval.

#### Purpose

For Council to consider an application for shop front modifications that includes signage alterations to the Westpac Bank tenancy on the corner of Bay View Terrace and St Quentin Avenue, Claremont.

The application requires the Council’s determination as it is of a commercial nature.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
14 November 2014	Planning application received by Council.
19 November 2014	Application undergoes internal DCU assessment.
21 November 2014	Advertising commenced.
15 December 2014	Advertising closed.
19 January 2015	Report prepared for Council.

## Past Resolutions

There are no past Council resolutions relevant to this application.

## Heritage

The property is located within the Bay View Terrace Heritage Precinct which is listed in the Town of Claremont Local Government Inventory and in the TPS3 Heritage Schedule. The subject building is a new contemporary and not considered to have any physical heritage significance. It is considered that the proposal will not adversely impact on the significance of the Precinct and can be supported.

## Consultation

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

16 neighbours were consulted and no objections were received.

## Discussion

### Description

The application proposes the following works:

- Relocation of the ATM to the internal entrance and replacement with a glass facade
- Removal of the existing shop front including doors
- New signage.

The proposed alterations will maintain the existing appearance of the ground floor shop front and in particular the replacement glazing will provide substantial views into the shop from the street, which will enhance the pedestrian amenity and activity of the area.

Westpac also intends surrendering 81m<sup>2</sup> of the existing tenancy, with frontage to Bay View Terrace to a new lessee. It is noted that the future use of this tenancy does not form part of this application for approval and is pending a separate application.

### Compliance

The proposed shopfront alterations and internal fit out comply with the requirements of TPS3 and Council Policy and will not have any adverse impact on the streetscape.

The application proposes eight signs (one replacement, two relocated and five new signs).

The proposed signage has been assessed in accordance with the requirements of the Local Law Relating to Signs (LLRS).

The replacement and relocated signs comply with the requirements for under awning signs in the LLRS.

With regard to the five new signs, under the Town's LLRS window signs are required to occupy no more than 50% of any window and no more than 25% of all combined windows. The proposed sign occupies approximately 10% of the total window area and accordingly is well below the maximum permitted size.

Signage in the Town Centre may also be required to comply with the Town Centre Zone Signage Policy (PS202). Table 1 of PS202 states that the policy does not apply to window signs and under verandah signs therefore the proposed signage is not subject to these requirements.

### **Conclusion**

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

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Wood**

**THAT Council grant planning approval for a proposed shop front alterations including signage at Lot 101 (2) St Quentin Avenue, Claremont, subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2014.00224), as amended by these conditions.**
- 2. All illuminated signs are to comply with the requirements for illuminated signs as per clause 21 of the Town's Local Law Relating to Signs.**
- 3. All signage is to be kept clean, intact and free of graffiti/vandalism at all times and any such graffiti or vandalism being removed within 24 hours.**
- 4. This application is valid only if the development is commenced within 24 months of the date of approval.**

### **Advice Notes:**

- (i) This is a Planning Approval only. A Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development MUST be certified prior to submission.**
- (ii) A sign licence must be obtained from the Town's Building Services prior to the installation of any signage.**
- (iii) Under the Environmental Protection (Noise) Regulations 1997 no construction work is to be permitted or suffered to be carried out:
  - a) Before 7.00am or after 6.00pm Monday to Saturday inclusive; or****

- b) On a Sunday or on a public holiday.
- (iv) If an applicant is aggrieved by this determination a right of review may exist under the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination.

**CARRIED(04/15)  
(NO DISSENT)**

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### 13.1.2 LOT 90 (1 - 26) AVION WAY, CLAREMONT - PROPOSED ATM RELOCATION AND SIGNAGE FOR ANZ BANK

<b>File Ref:</b>	<b>A-0289/DA-2014.227</b>
<b>Attachments – Public:</b>	<a href="#">Location and Submission Plan</a> <a href="#">Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">Plans</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Jeremy Swan</b> <b>Senior Planner</b>
<b>Proposed Meeting Date:</b>	<b>3 February 2015</b>
<b>60 Days Due Date:</b>	<b>11 January 2015</b>
<b>Property Owner:</b>	<b>Topsfield Pty Ltd</b>
<b>Submitted By:</b>	<b>John Massey Group</b>
<b>Zoning:</b>	<b>Town Centre</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Town Planning Scheme No. 3 (TPS3)</b> <b>Local Law Relating to Signs (LLRS)</b> <b>Town Centre Zone Signage Policy (PS202)</b>

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#### Summary

- Application for planning approval received for proposed ATM relocation, and signage additions and alterations for ANZ Bank.
- Eight neighbours were consulted and no submissions were received.
- Application is recommended for approval.

#### Purpose

For Council to determine an application for planning approval to relocate the existing ATM from the Avion Way facade to the St Quentin Avenue facade and erect a new small wall mounted projecting sign displaying the ATM logo.

The application requires the Council's determination as it is of a commercial nature.

#### Background

The following table outlines key dates regarding this proposal:

<b>Date</b>	<b>Item/Outcome</b>
12 November 2014	Planning application received by Council.
19 November 2014	Application undergoes internal DCU assessment.
25 November 2014	Advertising commenced.
11 December 2014	Advertising closed.
14 January 2015	Report prepared for Council.

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## Past Resolutions

There are no past Council resolutions relevant to this application.

## Heritage

The property is not listed on the Town of Claremont Local Government Inventory or the TPS3 Heritage Schedule.

## Consultation

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

Eight neighbours were consulted and no submissions were received.

## Discussion

### Description

The application proposes the following works:

- Relocate the existing ATM from the Avion Way facade to St Quentin Avenue facade and installation of a replacement glass facade facing Avion Way
- Erect a small horizontal 'ATM' sign projecting from the St Quentin Avenue elevation
- Internal office reconfiguration.

### Compliance

The proposal complies with all requirements of the TPS3, LLRS and PS202, with exception to the required minimum footpath clearance of 2.7m. Plans indicate that this clearance is approximately 2.55m. Accordingly, if approved, the additional clearance to 2.7m should be required. The proposed ATM relocation and additional signage (one raised in height) will not adversely impact on the immediate locality.

## Conclusion

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

## Voting Requirements

Simple majority decision of Council required.

## Moved Cr Haynes, seconded Cr Wood

**THAT Council grant planning approval for a proposed ATM relocation and signage for ANZ Bank at Lot 90 (1-26) Avion Way, Claremont, subject to the following conditions and advice notes:**

1. All development shall occur in accordance with the approved drawings (Planning Application DA2014.227), as amended by these conditions.
2. The proposed horizontal (ATM) sign is to have a minimum clearance above the existing footpath level of 2.7m, with revised details to be submitted prior to the issue of a Sign Licence.



3. All illuminated signs are to comply with the requirements for illuminated signs as per clause 21 of the Town's Local Law Relating to Signs.
4. All signage is to be kept clean, intact and free of graffiti/vandalism at all times and any such graffiti or vandalism being removed within 24 hours.
5. This application is valid only if the development is commenced within 24 months of the date of approval.

**Advice Notes:**

- i. This is a Planning Approval only. A Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development **MUST** be certified prior to submission.
- ii. A Sign Licence must be obtained from the Town's Building Services prior to the installation of any signage.
- iii. Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
  - a) Before 7.00am or after 6.00pm Monday to Saturday inclusive; or
  - b) On a Sunday or public holiday.
- iv. If an applicant is aggrieved by this determination, a right of review may exist under the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal ([www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)) within 28 days of this determination.

**CARRIED(04/15)  
(NO DISSENT)**

### 13.1.3 PROPOSED PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2014

<b>File Ref:</b>	<b>LND/00083</b>
<b>Attachments:</b>	<a href="#"><u>Planning makes it happen: phase two - Discussion Paper – Planning and Development (Local Planning Schemes) Regulations 2014 – November 2014</u></a> <a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2014 – November 2014 (Draft)</u></a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>3 February 2015</b>

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#### **Purpose**

This report outlines proposed changes to the *Town Planning Regulations 1967* (TP Regs) which will in part impact on Town Planning Scheme No. 3 (TPS3) as of 1 July 2015 (expected) and details a recommendation for Council to forward to the Department of Planning (DoP) on the proposed *Planning and Development (Local Planning Scheme) Regulations 2014* (LPS Regs).

Fundamentally the proposed changes aim to streamline and regularise various planning processes and requirements across the state to improve the efficiency and operation of the planning system. Whilst the majority of the changes proposed represent minor alterations to current processes and accordingly do not raise concern, some of the proposals are significant. This report focuses on the significant proposals which will impact on planning within the Town of Claremont and makes recommendations for the Town's submission to the DoP.

#### **Background**

In September 2013 the DoP released the Planning Reform Phase Two Discussion Paper which outlined proposals to improve the local planning scheme review and amendment processes, concurrent amendments to the region scheme and local planning schemes, streamlining the structure plan process, private certification of development applications, standardised local government delegations and introduction of electronic application and tracking system.

In November 2014, the DoP released 'Planning makes it happen: phase two – Discussion Paper *Planning and Development (Local Planning Schemes) Regulations 2014*' (attached) and the '*Planning and Development (Local Planning Schemes) Regulations 2014*' (Draft)

The *Town Planning Regulations 1967* (TP Regs) have been in operation for over 40 years and despite modifications over time, require significant review to deal with current planning practices and expectations. The *Planning and Development Act*

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2005 (PDA) was amended in 2010 to facilitate modifications to the TP Regs which enable the Minister for Planning to apply new regulations imposing deemed provisions to existing town planning schemes and model provisions for the review of those schemes.

The proposed *Planning and Development (Local Planning Schemes) Regulations 2014* includes:

- Improvements to the local planning scheme review process including new Model Scheme Text (MST) provisions containing deemed provisions for automatic inclusion into local planning schemes and revised model MST provisions together with revisions to requirements on the timing of scheme reviews
- Improvements to local planning scheme amendment processes to introduce two tracks, where 'risk-based tracking' provides for basic and standard applications to be dealt with faster than complex ones
- Streamlining Structure Plan processes and inclusion the Western Australian Planning Authority (WAPC) as the single approval authority
- Planning approval exemptions for single houses and other classes of development.

The LPS Regs are set out in three parts:

- 1 – 9 Local planning scheme regulations on how schemes are prepared, amended and reviewed. Provisions detail requirements for a local planning scheme, local planning strategies, preparation and adoption of a local planning scheme, amendment procedures for a local planning scheme, review and consolidation of a local planning scheme, development contribution plans, miscellaneous requirements and other repeal and transitional provisions (e.g. – continuity of existing planning instruments)
- Schedule 1 containing model provisions which will operate in the same way as the current MST and to apply in the next scheme review. Variations to these provisions may be approved if justified. Standard provisions relate to reserves, zones and use of land, general development requirements, special control areas, terms and legends
- Schedule 2 containing deemed provisions which will apply automatically on gazettal for the LPS Regs. The deemed provisions prevail where there are inconsistencies with current scheme provisions. The deemed provisions cannot be varied, although they may be supplemented with additional provisions if consistent with the LPS Regs. Deemed provisions relate to the local planning framework, heritage protection, Structure Plans, Local Development Plans, development approval requirements, applications for development approval, development application procedures, bush fire management, implementation of development control plans, enforcement and administration and various forms.

## **Discussion**

As indicated above, comment on the proposed changes in this report will focus on proposals which are considered to have an impact on the planning processes in the Town. Discussion below will firstly outline details of the individual proposals and then

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make comments and recommendations for inclusion in the Town's submission to the DoP where necessary.

### General Comment

It is noted that the LPS Regs are aimed at streamlining the preparation and review of town planning schemes together with scheme amendment processes. This intends to provide consistency across all local planning schemes through the model and deemed provisions in order to simplify the planning process and improve approval time frames.

Whilst the advantages to the development industry as a whole can be acknowledged, the obligations on local government to review their schemes and policies to ensure consistency with the LP Regs will most likely see the removal of many TPS3 provisions which have evolved to address specific development circumstances in the Town (despite the capacity for the Minister of Planning to grant variations or exclusions to the model provisions and approve additional provisions where not inconsistent with the LPS Regs). This 'cookie-cutter' approach will undoubtedly raise significant concern amongst other local governments when considering their reviews in the context of their local circumstances.

A secondary consideration relative to the tightening of approval timeframes is that all the emphasis appears to be being placed on the performance of local government in achieving improved output, whereas very little emphasis is placed on the DoP in terms of regulated performance output. It is commonplace for significant delays to occur at the DoP in the processing times applicable to the scheme reviews, scheme amendments and local planning strategies. Without the imposition of timeframes on the DoP similar to local government, improvements to the planning process will be limited.

Accordingly, it is recommended that the DoP be advised that whilst the Town acknowledges that the changes will improve the efficiencies of the planning system as a whole, concern is raised that the approach may result in the diminution of local government's capacity to guide development controls under the scheme which responds to local planning objectives in favour of a 'one size fits all' approach to planning throughout the state. Further, to assist in the making of significant improvements in the timing of various statutory processes, the DoP should be regulated by the tightening of approval timeframes in a similar manner to local government.

### Scheme Review

It is proposed to modify the scheme review timeframes and processes. Cl.59 proposes that a local government must review its scheme/s if they are older than five years. If at gazettal date of the LPS Regs a scheme is older than five years, it is taken as five years old and requires automatic review. The review process is not a full scheme consolidation or review process as previously required, however it is required to be undertaken within six months of the of the five year period. The review process requires a recommendation to be made on whether a scheme is satisfactory in its existing form, should be amended, is due for consolidation or should be repealed and a new scheme prepared. The WAPC will determine whether it agrees with the review and further, an amendment to a scheme cannot be initiated if a

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scheme is over five years old without the local government having first reviewed its scheme (unless approved by the WAPC).

The present requirements under the PD Act require schemes to be consolidated to include all amendments every five years, unless the local government resolves to prepare a new scheme. The review process outlined in the LPS Regs may be a significantly scaled down process (subject to WAPC approval), however given the government's reform agenda for the planning system (which appears on its face to be driven by a desire to assist the development industry), concern is raised that the WAPC will through this process seek to require major reviews of schemes to standardise the planning requirements throughout the state. As a result, retention of scheme provisions which respond to local planning conditions may be challenged (as detailed in the above general comments).

It is noted that WALGA has calculated that there are 115 schemes throughout the state which will be classified as five years old and would be subject to the review process prior to the end of 2015. Timing of this together with the Local Government Reform process is considered unreasonable given that in the main, amalgamated local authorities will not be governed by new Councils (to set the future planning direction of the new local government area) until elections for Councils in October. Further, as with the Town of Claremont, any future amalgamation is not determined at this point and unlikely to be resolved within the period required for the review. As detailed below, the timing requirement for the review should be modified to provide for the review to be undertaken within 12 months of the formation of the new Councils or whenever the future of amalgamations (as in the case of Claremont and the surrounding western suburbs) is determined.

Finally, whilst the 115 schemes are under review and awaiting determination by the WAPC (with no determination time frame), it is considered unreasonable to place restrictions on the capacity for local government to initiate scheme amendments to respond to any emerging planning issue.

Accordingly it is recommended that the Town advise the DoP that the requirement to review its town planning scheme within six months of the gazettal of the TP Regs is unreasonable. The future amalgamation process for Claremont is unresolved at this point and expenditure on a review process which does not involve any potential amalgamated Council is considered a waste of public resources. Further, the DoP be advised that for amalgamated local governments, the timing does not allow for appropriate Elected Member input into the review process as a result of the local government election schedule in October. Overall the allocated timeframe is considered to be an unrealistic and unachievable and it is recommended that the reviews be required within 12 months of the formation of new Councils and installation of elected members under the Local Government Reform process. Finally, given that no time limitations are placed on the WAPC to determine the reviews, it is recommended that Council's be permitted to amend their schemes once the review has been finalised and submitted to the WAPC for consideration.

#### Scheme Amendment Processes

The current single tier scheme amendment process is proposed to be modified to take on a risk based assessment of the importance of amendments and accordingly

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modify processes to reduce time frames and approval requirements. The three tiers of amendment include:

- Basic amendments - administrative corrections and changes to ensure consistency with the model provisions, any other Act and the region planning scheme
- Standard amendments - relating to a zone or reserve consistent with the objectives identified in the scheme, amendments consistent with a local planning strategy endorsed by the WAPC, structure plan/local development plan and region planning scheme, and one which would have minimal impact on land in the scheme and does not involve any significant environmental social, economic or governance impacts on land within the scheme
- Complex amendments - all other amendments.

The varied processes relating to approval and advertising have the potential to significantly reduce scheme amendment time frames, particularly for the basic and standard amendments. However, it is not absolutely clear that Council retains the right to initiate basic and standard amendments, particularly as cl.34(3) indicates that a local government may refuse to adopt an amendment if it is not satisfied that there is an agreement in place to use copyrighted material for the purposes of preparing and implementing the amendment for zero remuneration. This matter is of concern as a possible amendment proposal which addresses a basic principle of working from home may be interpreted to automatically support initiation of a standard amendment by virtue of this statement in the Local Planning Strategy (Clearly Claremont). At the present time, Council retains the right to initiate the amendment or not and may simply refuse to initiate an amendment if it has any amenity concerns or otherwise. It is noted that under the provisions for a complex amendment, the local government is required to forward its decision on initiation (or not) to the WAPC, presumably so the WAPC can review the decision and possibly to forward the proposal to the Minister for Planning to determine whether a Ministerial directive under S.76 of the PD Act is appropriate. The Minister's powers in this regard are presently unconstrained and it would be appropriate that the provision be modified to clarify the intent, specifically to only allow Ministerial intervention on amendments of regional significance.

Accordingly it is recommended that the DoP be advised that the Town supports the initiative to streamline the scheme amendment processes providing Council retains the right to initiate all three tiers of amendment and that the intent of reporting any refusal to initiate a complex amendment to the WAPC be clarified. If the intent is to allow for ministerial review of the amendment proposal and possible initiation of the amendment under S.76 of the PD Act, the purpose should be clarified to ensure the Minister is to justify initiation of an amendment on regional planning grounds.

#### Model Provisions

These are scheme provisions that are to be included in a new local planning scheme. Local government may vary or supplement the provisions where justified and approved by the Minister for Planning. Modifications to the existing MST include:

- Identification of additional uses for local reserves

- Inclusion of 'I' incidental to the predominant use (same as 'IP' uses under TPS3)
- Processes for variations to scheme provisions
- Revised list of standard general terms and land use definitions
- Standard list of reserves, zones and scheme map colours.

Should the review process currently scheduled under the LPS Regs result in a requirement for TPS3 to be fully reviewed, the model provisions will form the basis of a new scheme. The main difference between the current provisions under TPS3 and the model provisions relates to the potential for variations to development standards and provisions under the scheme where advertised for public comment and compliant with the deemed provisions relating to matters to be considered by local government as part of a planning application and no significant impact will result on the current or future locality amenity. Whilst this commonplace in the majority of town planning schemes, the provision provides capacity for variations to scheme standards and, as a result, a right of review by the State Administrative Tribunal (SAT). Whilst this may result in additional reviews at SAT, the improved discretion has its advantages when considering applications on their merits where otherwise they could not under the current scheme. It is also noted that the detailed development provisions for various zones are not specified and accordingly the Town retains some latitude in relation to reviewing those provisions.

It is recommended that the DoP be advised that the new model provisions are supported.

### Deemed Provisions

The proposed deemed provisions are mandatory and will override TPS3 provisions from gazettal. They cannot be varied and are generally administrative in nature, as follows:

- Administrative definitions (inclusive of building height)
- Processes for the preparation of local planning policies
- Heritage provisions which include general discretion and maintenance (heritage conservation) clauses to enhance the protection status for places and areas together with the need to adopt a local planning policy for heritage areas which record the places of heritage significance and the objectives and guidelines for the conservation of the heritage areas
- Processes for the preparation of Structure Plan which includes the WAPC as the sole determining authority, strict timelines for initial comment on the proposal to the DoP prior to advertising, responsibility for preparing a report to the WAPC, and responding to service requests from the WAPC at the cost of the local government
- Preparation of Local Development Plans - formerly known as Detailed Area Plans (DAP) – so as to avoid confusion Development Assessment Panel (also DAP)
- Exemptions from the requirements for development approval, which include:

- Development on a regional reserve under the Metropolitan Region Scheme
- Development which is in accordance with a Local Development Plan
- Internal works, excluding heritage places and buildings with heritage areas
- Single house, outbuildings, external fixtures etc where compliant with the 'deemed-to-comply' provisions of the Residential Design Codes
- Demolition, excluding heritage places and buildings within heritage areas
- Home office
- Temporary works for uses which exist for less than 48 hours
- Temporary election signage and other signage defined by the scheme
- Any other development specified in writing by the local government
- Provisions to amend or revoke a development approval at the request of the applicant, inclusive of amendments and extensions of the timeframe for approvals if applied for within two years as well as condition reconsideration and minor changes to plans after the two years
- Advertising of applications for development approval
- Matters to be considered by local government in determining a planning applications
- Requirements to override copyright provisions and the public disclosure of plans for the purpose of public consultation.

Modification to the definition of 'building height' will potentially vary the built form outcomes resulting from the Town's current height restrictions under cl.40 of TPS3. This will need to be specifically addressed as part of the review process presently scheduled to be undertaken within six months of the gazettal of the LPS Regs and will most likely necessitate a review of the Town's Local Law 123 relative to the Height of Buildings – Freshwater Bay Escarpment.

The proposed processes for the review of local planning policies are similar to TPS3, but do not cover variation processes. It is recommended that the DoP be requested to include a variation process similar to cl.82(4) of TPS3 – *"A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the policy and the objectives which the policy is designated to achieve before making a decision."*

Whilst the heritage provisions provide a strong consistent basis for heritage protection of both places and areas, it is acknowledged heritage area policies will be required. The Town's heritage officer has identified that there are a number of consistency issues relative to State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5) together with other concerns detailed below:

- The definition of 'works' makes reference to "likely to damage the character of that place." This is inconsistent with the terminology contained within SPP 3.5 and should be modified to refer to "development does not adversely affect the cultural significance of the place"



- Other references to 'character' should be removed as character is not a heritage issue. Areas of character should be declared under Special Control Areas as identified under SPP 3.5
- Heritage conservation notices define 'properly maintained' to include 'potential' loss or deterioration, however the reference should be modified to 'imminent' as potential is too loosely defined. In addition, 'character' should be modified in the definition to the 'significant heritage fabric' of the place. Reference to written notices to owners and occupiers should specify the circumstances relative to when an occupier would be liable for repairs and also 'properly maintained' should be defined as the simple reference is too subjective.
- The requirements for the development of heritage area policies presently contained under the State Heritage Office's Practice Notes and Examples for the preparation of Local Planning Policies specifies that one generic policy may be prepared in favour of individual heritage area policies. This should be clarified to ensure consistency between the relative requirements.

It is recommended that the above matters be raised in the submission to the DoP on the LPS Regs.

Structure Plan (SP) processes typically have been lengthy due to dual approval processes and capacity for both local government and the DoP to service the statutory requirements and processes in considering, advertising and approving a SP. Whilst the intent to reduce time frames is acknowledged, the process is heavily weighed against local government having a significant voice in the process – if initial comment is not received by the DoP within seven days of receipt of a SP, it is taken to have been accepted for assessment and consultation. Further, while the local authority has no determination powers, it is responsible for servicing the requirements of the DoP at its cost, with no reference to the cost being conferred on the applicant. It is recognised that whilst the WAPC already has the final say in the determination of SPs as experienced with the Claremont North East Precinct Structure Plan, the cost imposts on the local authority should be clarified to ensure that the costs are placed back on the applicant in accordance with the *Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges)*

The fundamental difference between a Detailed Area Plan (DAP) under TPS3 and a Local Development Plan (LDP) is that once adopted by Council (WAPC approval not required), it does not constitute a variation to a SP. This may create inconsistencies and administrative issues relative to an approved SP by the WAPC. It is therefore recommended that the final relationship between a SP and LDP be reviewed to provide for a LDP to be automatically adopted as a variation to a SP. The process for variation to acknowledge the above may need to address the need for the WAPC to have the final determining authority, only where the variation would have a significant impact on the objectives of the SP.

Exemptions for development approval on regional reserves under the Metropolitan Region Scheme (MRS) aims to remove the dual approval process under the scheme and MRS and the current 'legal friction' where local governments make decisions under a local planning scheme without acknowledging that such decisions may also require a concurrent but distinct planning application under the region scheme, where local governments act as delegates of the WAPC. The current dual approval system

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has the potential to be problematic with two differing approvals applying. The review will ensure this does not occur, however Council's power to control development on reserved land will be significantly eroded – more so if the current delegation arrangements are modified. An objection to this provision should be lodged.

Exemptions for development consistent with a LDP is not supported. This would result in compliant plans with the existing DAPs surrounding Claremont Oval, being progressed through to a Building Permit – possibly as a Certified application without any checks and balances normally associated with significant development. Further, whilst LDP's contain built form requirements, they are not designed to accommodate and detail all building design and implementation considerations which can be applied through approval conditions.

Exemptions for internal works, excluding heritage places and areas should be modified to clarify that within a heritage area, there may be non-contributing buildings which should not be subject to a development approval processes for internal works.

Exemptions for single houses and extensions which comply with the 'deemed-to-comply' provisions of the Residential Design Codes (RDC) has recently been the subject of discussions with the DoP and WAPC relative to Amendment No. 125 to TPS3. It was pointed out during these discussions that Part 7 of the RDC provides for local planning framework documents (*defined as all strategic, statutory and policy planning documents which collectively outline the planning for an area and the development requirements for sites... and generally include a scheme, local planning strategy..., local structure plans, activity centre plan, local government plans and local planning policies*) to legitimately apply to control development inclusive of single houses and these powers need to be retained in the determination of development which is not excluded from a planning application.

These concerns were acknowledged by the DoP and revised provisions are being prepared. It is therefore recommended that these concerns be reiterated as part of the Town's submission on the LPS Regs.

The requirements for the advertising of applications for development approval will necessitate a review of Council's recently adopted policy LG525 – Advertising of Planning Applications.

The matters to be considered when determining a planning application is a comprehensive list contained under cl.45, however clarity is again required relative to the reference to character relative to a heritage area and also to capture the impacts of development on land immediately adjacent an heritage area. It is recommended part (k) be reviewed to include insertion of the words "the cultural heritage significance of any place or immediately adjacent a heritage area affected by the development." Further part (l) should be amended to insert a requirement that consideration be given to the affect a development has on a heritage place, as this is not presently captured under either part (k) or (l). Finally, reference to part (u) where consideration is to be given to the history of the site should be clarified to specify whether the property should be listed as a heritage place or part of a heritage area, or whether the more recent contemporary history is the be considered.

Consistent with Council's recent considerations in the adoption of Council policy LG525 Advertising of Planning Applications, cl.67 provides for the Town to refuse to accept a planning application if it is not satisfied that there is in place an agreement for the local authority to use any copyrighted material for the purpose of public consultation at zero remuneration. This will avoid the need to review TPS3 to provide for this procedural change in consultation requirements and is accordingly supported.

### **Past Resolutions**

Nil

### **Financial and Staff Implications**

There will be costs resulting from undertaking a scheme review and updating TPS3, together with associated planning policies to remove any inconsistencies with the deemed provisions and address heritage area and revised consultation requirements (including the disclosure of copyrighted plans to neighbours).

Given that the intent of LPS Regs appears to be primarily aimed at assisting the amalgamation of local government which in the main is scheduled to occur on 1 July 2015, and the plans for amalgamation of Claremont with surrounding authorities is unresolved, the requirement to undertake a review of TPS3 during a period of uncertainty is a significant financial burden on the Town's resources (and other surrounding western suburb authorities).

### **Policy and Statutory Implications**

Policy review requirements to align with the new deemed to comply provisions will be required (e.g. LG525 Advertising of Planning Applications) together with the preparation of heritage area policies.

### **Publicity**

The TPS Regs have been advertised for public comment by the DoP since November 2014.

### **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.*

- Balancing the Town's historical character with complementary, well designed development.
- Develop the public realm as gathering spaces for participation and enjoyment.

#### **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.*

- Reduce unnecessary barriers to new business and support the success of existing local businesses.

## Environment

*We are a leader in responsibly managing the build and natural environment for the enjoyment of the community and continue to provide sustainable, leafy green parks, streets and outdoor spaces.*

- Strive for innovative environmental design practices in new developments and redevelopments.

## 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.

## Governance and Leadership

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

## Urgency

The formal public consultation period for the proposed LPS Regs closed on 30 January 2015, however, the DoP have advised that later submissions taking into account Council Christmas breaks will be considered.

## Voting Requirements

Simple majority decision of Council required.

## Moved Cr Haynes, seconded Cr Wood

**That Council advise the Department of Planning that it endorses in principle the proposed *Planning and Development (Local Planning Schemes) Regulations 2014* and makes the following specific comments in relation to detailed proposed Regulations:**

- a) Concern is raised that the regulations relating to the mandatory review of town planning schemes over five years of age on gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2014* may result in the diminution of local government's capacity to guide development controls under the scheme which responds to local planning objectives in favour of a 'one size fits all' approach to planning throughout the state.**
  - b) To assist in the making of significant improvements in the timing of various statutory processes, the Department of Planning should be regulated by the tightening of approval timeframes in a similar manner to local government.**
  - c) The requirement to review town planning schemes within six months of gazettal of the *Planning and Development (Local Planning Schemes)***
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**Regulations 2014** is a matter of concern as the future amalgamation process for the Town of Claremont is unresolved at this point and expenditure on a review process which does not involve any potential amalgamated Council is considered a waste of public resources. Further, for amalgamated local governments, the timing does not allow for appropriate Elected Member input into the review process as a result of the local government election schedule in October. Overall the allocated timeframe is considered to be unrealistic and unachievable and it is recommended that the reviews be required within 12 months of the formation of new Councils and installation of elected members under the Local Government Reform process. Finally, given that no time limitations are placed on the Western Australian Planning Commission to determine the reviews, it is recommended that Council's be permitted to amend their schemes once the review has been finalised and submitted for consideration.

- d) Support for the initiative to streamline the scheme amendment processes providing Council retains the right to initiate all three tiers of amendment and that the intent of reporting any refusal to initiate a complex amendment to the Western Australian planning Commission be clarified. If the intent is to allow for ministerial review of the amendment proposal and possible initiation of the amendment under S.76 of the *Planning and Development Act 2005*, the purpose should be clarified to ensure the Minister is to justify initiation of an amendment on regional planning grounds.
- e) Policy preparation processes should include a variation process similar to cl.82(4) of TPS3 – *“A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the policy and the objectives which the policy is designated to achieve before making a decision.”*
- f) Heritage protection provisions contain a number of consistency issues relative to *State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5)* together with other concerns detailed below:
  - The definition of ‘works’ makes reference to “likely to damage the character of that place.” This is inconsistent with the terminology contained within SPP 3.5 and should be modified to refer to “development does not adversely affect the cultural significance of the place”
  - Other references to ‘character’ should be removed as character is not a heritage issue. Areas of character should be declared under Special Control Areas as identified under SPP 3.5
  - Heritage conservation notices define ‘properly maintained’ to include ‘potential’ loss or deterioration, however the reference should be modified to ‘imminent’ as potential is too loosely defined. In addition, ‘character’ should be modified in the definition to the ‘significant heritage fabric’ of the place. Reference to written notices to owners and occupiers should specify the circumstances relative to when an occupier

would be liable for repairs and also 'properly maintained' should be defined as the simple reference is too subjective.

- The requirements for the development of heritage area policies presently contained under the State Heritage Office's Practice Notes and Examples for the preparation of Local Planning Policies specifies that one generic policy may be prepared in favour of individual heritage area policies. This should be clarified to ensure consistency between the relative requirements.
  - g) Structure Plan and Local Development Plan preparation requirements should acknowledge the final relationship between the two and be reviewed to provide for a Local Development Plan to be automatically adopted as a variation to a Structure Plan to ensure consistency. The process for variation to acknowledge the above may need to address the need for the Western Australian Planning Commission to have the final determining authority, only where the variation would have a significant impact on the objectives of the Structure Plan.
  - h) Cost imposts on local government in providing reports and services to the Western Australian Planning Commission should be clarified to ensure that the costs are placed back on the applicant in accordance with the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges)
  - i) Concern is raised that the removal of the dual approval process on Regional Reserves for local government and the Western Australian Planning Commission significantly eroded local government powers, more so if the current delegation arrangements are modified.
  - j) Exemptions for development consistent with a Local Development Plan is not supported. This would result in compliant plans with the existing Development Area Plans surrounding Claremont Oval, being progressed through as a Building Permit – possibly as a Certified application without any checks and balances normally associated with significant development. Further, whilst Local Development Plans contain built form requirements, they are not designed to accommodate and detail all building design and implementation considerations which can be applied through approval conditions.
  - k) Exemptions for internal works, excluding heritage places and areas should be modified to clarify that within a heritage area, there may be non-contributing buildings which should not be subject to a development approval process for internal works.
  - l) Exemptions for single houses and extensions which comply with the 'deemed-to-comply' provisions of the Residential Design Codes has recently been the subject of discussions with the Department of Planning and Western Australian Planning Commission relative to Amendment No. 125 to Town Planning Scheme No.3. It was pointed out during these discussions that Part 7 of the RDC provides for local planning framework documents (defined as all strategic, statutory and policy planning documents which collectively outline the planning for an area and the development requirements for sites... and generally include
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a scheme, local planning strategy..., local structure plans, activity centre plan, local government plans and local planning policies) to legitimately apply to control development inclusive of single houses and these powers need to be retained in the determination of development which is not excluded from a planning application.

- m) It is recommended that cl.45 be reviewed to provide for part (k) to include insertion of the words “the cultural heritage significance of any place or immediately adjacent a heritage area affected by the development.” Further part (l) could be amended to insert a requirement that consideration be given to the affect a development has on a heritage place, as this is not presently captured under either part (k) or (l). Finally, reference to part (u) where consideration is to be given to the history of the site should be clarified to specify whether the property should be listed as a heritage place or whether the more recent contemporary history is the be considered.

**CARRIED(04/15)  
(NO DISSENT)**

## 13.2 CORPORATE AND GOVERNANCE

### 13.2.1 DEVELOPMENT ASSESSMENT PANELS - REQUEST FOR LOCAL GOVERNMENT NOMINATIONS

<b>File Ref:</b>	<b>DAB00040</b>
<b>Attachments:</b>	<a href="#">Development Assessment Panel Nomination Form</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Katie Bovell</b> <b>Governance Officer</b>
<b>Proposed Meeting Date:</b>	<b>03 February 2015</b>

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#### **Purpose**

The report recommends Council nominate four elected members (two local and two alternates) to sit on the Metro West Joint Development Assessment Panel (MWJDAP) for a period up to two years.

#### **Background**

Fifteen Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises a total of five members – three specialists (one being the presiding member) and two local government members.

The Town is a member of the Metro West Joint Development Assessment Panel (MWJDAP) which covers the eight local government areas of Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Peppermint Grove, Subiaco and Vincent.

An Expression for Interest for all DAP specialist members was advertised in the Western Australian newspaper on 6 and 10 December 2014 and in regional newspapers in the week commencing 8 December 2014. Nominations for specialist members closed on Friday 23 January 2015 and the Town will be advised once they have been appointed by the Minister.

Councils within the DAP each nominate four members for appointment by the Minister as local members (two local members and two alternate local members). The local members (and in their absence the alternate local members) sit on those DAP meetings where Development Applications within their local government are being considered. The terms for the Town's current members of Cr Haynes and Cr Kelly (and Cr Browne and Cr Tulloch as alternates) expire on 26 April 2015.

The Town has been requested by the Department of Planning to nominate by 27 February 2015, four elected members (two sitting and two alternates) to sit on the MWJDAP for the next term.

On receipt of all local government nominations, the Minister will consider and appoint members for a two year term expiring on the 26 April 2017. Current members may reapply.

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Local government elections (currently to be held October 2015) may result in a change to local DAP membership if current councillors who are DAP members are not re-elected. In this instance, the alternative local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the Council will need to re-nominate for the Minister's consideration of appointment.

In the event Commissioner/s are appointed, they may appoint themselves and if there is a shortfall, the Minister may appoint an eligible voter of the district.

### **Discussion**

DAPs will determine development applications with an estimated value of \$7 million or more. The Town (and the applicant ) has the additional ability to refer development applications with an estimated value of between \$3 million and \$7 million to the MWJDAP.

A total of four development applications relating to Claremont have been determined by the MWJDAP over the past 12 months.

Local representation is vital to DAPs. If no nominations are received by 13 March 2015, or if the Minister has not allowed a longer nomination period, regulation 26 of the *Planning and Development (Development Assessment panels) Regulations 2011*, enables the Minister to include, on the local government register, a person who is an eligible voter of the Claremont district and who has relevant knowledge or experience that will enable that person to represent the interests of the local community of the Claremont district.

Given the experience and training gained by the existing members and alternates, it is recommended Council renominate the existing four as local and local alternate members for a further term.

### **Past Resolutions**

Ordinary Council Meeting 5 November 2013, Resolution 322/13:

*That Council appoint the following Council Member to the Metro West Joint Development Assessment Panel;*

*Cr Browne Alternate Local Member*

*CARRIED BY ABSOLUTE MAJORITY  
(NO DISSENT)*

Ordinary Council Meeting 19 February 2013, Resolution 23/13:

*That Council:*

- 1. In accordance with Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 nominates Cr Haynes and Cr Kelly as local members, and Mayor Barker and Cr Tulloch as local alternate members.*

2. *Requests the CEO, or his nominated representative, to advise the Minister for Planning, Culture & the Arts, Science and Innovation, or his nominated representative of the Town of Claremont's nominations.*

**CARRIED  
(NO DISSENT)**

### **Financial and Staff Implications**

Local DAP members are entitled to be paid for their attendance at DAP meetings and training unless they fall within a class of persons excluded from payment (Federal, State and Local Government employees, active or retired judicial officers, and employees of public institutions).

### **Policy and Statutory Implications**

The appointments are in accordance with regulation 26 of *the Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), which established the operational framework for DAPs.

### **Urgency**

Nominations are required to be received no later than 27 February 2015.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Wood**

**THAT Council, in accordance with Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, nominates Cr Haynes and Cr Kelly as local members, and Cr Browne and Cr Tulloch as local alternate members for a further term expiring 26 April 2017.**

**CARRIED(04/15)  
(NO DISSENT)**

**13.2.2 ORDINARY COUNCIL MEETINGS FOR 2015**

<b>File Ref:</b>	<b>GOV/00055</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>Proposed Meeting Date:</b>	<b>03 February 2015</b>

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**Purpose**

For Council to set the Ordinary Council Meeting (OCM) dates for the 2015 calendar year.

**Background**

Council meetings are currently held on the first and third Tuesday of each month (except January) commencing at 7.00pm. This arrangement has been in place since February 2004.

Council is required annually to advertise the dates, time and place of its OCM's for the next twelve months. This has historically been undertaken prior to the commencement of each calendar year.

**Discussion**

Bi-monthly meetings continue to respond to the requirements of Council, community, neighbouring local authorities, and peak bodies, and as such it is proposed that they continue to be held on the first and third Tuesday of each month except January (Table 1).

In continuing the current practice with the purpose of reducing the impact of Monday public holidays on the meeting cycle, it is proposed those dates which fall immediately after a public holiday Monday not be held and items carried to the next ordinary meeting. This will ensure elected members are provided sufficient opportunity to inform themselves and ask questions through provision of an Agenda Briefing Forum prior to all ordinary Council meetings.

Equally, it is proposed that while Council did reduce meetings in December 2014 to one in recognition of the busy period, two meetings be reinstated to accommodate the volume of matters required for consideration prior to the January break. Under the recent one December meeting schedule, elected members were required to read, understand and evaluate an increased number of agenda items, some of significant complexity.

Administration has explored the option of scheduling meetings on the second and fourth Tuesday of the month and while this creates only one occurrence of meetings following a public holiday, it does move the meeting cycle to the latter half of the month which clashes with peak organisation and other agency schedules. Meetings under this arrangement are shown in Table 2.

Days other than Tuesdays has not been presented as elected members have previously indicated a change of day (Wednesday or Thursday meeting) creates conflict with other ongoing commitments.

#### Ordinary Council Meeting dates 2015:

<b>Table 1 – 1<sup>st</sup> &amp; 3<sup>rd</sup> Tuesdays</b>		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2015	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 3	Tuesday 17
March	No Meeting (Labour Day)	Tuesday 17
April	No Meeting (Easter Monday)	Tuesday 21
May	Tuesday 5	Tuesday 19
June	No Meeting (WA Day)	Tuesday 16
July	Tuesday 7	Tuesday 21
August	Tuesday 4	Tuesday 18
September	Tuesday 1	Tuesday 15
October	Tuesday 6	Tuesday 20
November	Tuesday 3	Tuesday 17
December	Tuesday 2	Tuesday 16

<b>Table 2 – 2<sup>nd</sup> &amp; 4<sup>th</sup> Tuesdays</b>		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2015	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 10	Tuesday 24
March	Tuesday 10	Tuesday 24
April	Tuesday 14	No Meeting (Anzac Day)
May	Tuesday 12	Tuesday 26
June	Tuesday 9	Tuesday 23
July	Tuesday 14	Tuesday 28
August	Tuesday 11	Tuesday 25
September	Tuesday 8	Tuesday 22
October	Tuesday 13	Tuesday 27
November	Tuesday 10	Tuesday 24
December	Tuesday 8	Tuesday 22

#### **Past Resolutions**

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

**Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

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

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

Regulation 12 states:

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

- a) the ordinary council meetings, and*
- b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

*are to be held in the next 12 months.”*

**Publicity**

Ordinary Council Meeting dates for 2015 will be published in accordance with s.1.7 (Local Public Notice) of the *Local Government Act 1995*.

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

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

- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Focus on improved customer service, communication and consultation.

**Urgency**

As the previous notice of meeting dates covers the period to the end of the 2014 calendar year, the meeting dates for the next period will need to be determined and advertised as soon as possible.

**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

That Council

1. Approves the Ordinary Council Meeting dates for 2015 to be:

Table 1 – 1 <sup>st</sup> & 3 <sup>rd</sup> Tuesdays		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2015	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 3	Tuesday 17
March	No Meeting (Labour Day)	Tuesday 17
April	No Meeting (Easter Monday)	Tuesday 21
May	Tuesday 5	Tuesday 19
June	No Meeting (WA Day)	Tuesday 16
July	Tuesday 7	Tuesday 21
August	Tuesday 4	Tuesday 18
September	Tuesday 1	Tuesday 15
October	Tuesday 6	Tuesday 20
November	Tuesday 3	Tuesday 17
December	Tuesday 2	Tuesday 16

2. Commences all Ordinary Council Meetings in 2015 at 7.00pm.

**ALTERNATIVE MOTION**

**Moved Cr Browne, seconded Cr Haynes**

That Council

1. Approves the Ordinary Council Meeting dates for 2015 to be:

Table 1 – 1 <sup>st</sup> & 3 <sup>rd</sup> Tuesdays		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2015	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 3	Tuesday 17
March	Tuesday 3	Tuesday 17
April	Tuesday 7	Tuesday 21
May	Tuesday 5	Tuesday 19
June	Tuesday 2	Tuesday 16
July	Tuesday 7	Tuesday 21
August	Tuesday 4	Tuesday 18
September	Tuesday 1	Tuesday 15
October	Tuesday 6	Tuesday 20
November	Tuesday 3	Tuesday 17
December	Tuesday 2	Tuesday 16

2. Commences all Ordinary Council Meetings in 2015 at 7.00pm.
3. Agenda Briefing Forums for these three meetings not be held on the preceding Monday (public holiday).

Reason: To provide two Ordinary Council Meetings per month.

**AMENDMENT****Moved Cr Wood, seconded Cr Mews**

**That the Alternative Motion be amended to not include 7 April 2015 as a meeting date in Table 1.**

Reason: People take leave during the Easter Holiday.

**LOST**

For the Amendment: Crs Edwards, Mews and Wood.

Against the Amendment: Mayor Barker and Crs Browne, Goetze, Haynes, Kelly, Lorenz, and Tulloch.

**THE ALTERNATIVE MOTION WAS PUT****Moved Cr Browne, seconded Cr Haynes**

**That Council**

**1. Approves the Ordinary Council Meeting dates for 2015 to be:**

<b>Table 1 – 1<sup>st</sup> &amp; 3<sup>rd</sup> Tuesdays</b>		
Location: Number One Claremont, 308 Stirling Highway, Claremont.		
Month 2015	Date (First Meeting)	Date (Second Meeting)
January	No Meeting	No Meeting
February	Tuesday 3	Tuesday 17
March	Tuesday 3	Tuesday 17
April	Tuesday 7	Tuesday 21
May	Tuesday 5	Tuesday 19
June	Tuesday 2	Tuesday 16
July	Tuesday 7	Tuesday 21
August	Tuesday 4	Tuesday 18
September	Tuesday 1	Tuesday 15
October	Tuesday 6	Tuesday 20
November	Tuesday 3	Tuesday 17
December	Tuesday 2	Tuesday 16

**2. Commences all Ordinary Council Meetings in 2015 at 7.00pm.****3. Agenda Briefing Forums for these three meetings not be held on the preceding Monday (public holiday).**

Reason: To provide two Ordinary Council Meetings per month.

**CARRIED(05/15)  
(NO DISSENT)**

For the Alternative Motion: Mayor Barker and Crs Browne, Edwards, Goetze, Haynes, Kelly, Lorenz, and Tulloch.

Against the Alternative Motion: Crs Wood and Mews.

*Councillors Wood and Browne declared an Impartiality interest in Item 13.2.3 due to each being a member at Claremont Tennis Club and both Councillors declared that they would consider the matter on its merits and vote accordingly.*

*Mayor Barker declared a Financial interest in Item 13.2.3 due to being the Patron of Claremont Tennis Club and left the Chambers at 7:24 PM. Deputy Mayor Haynes took the chair to preside the meeting.*

### **13.2.3 LEASE OF CLAREMONT TENNIS CLUB - (PORTION OF RESERVE 22142 & 9249) 2 DAVIES ROAD, CLAREMONT**

**File Ref:** COP/00064  
**Attachments:** [Location Plan](#)  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Les Crichton  
Executive Manager Corporate and Governance  
**Proposed Meeting Date:** 03 February 2015

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#### **Purpose**

The report recommends the Town prepare and execute a new lease agreement between the Town and the Claremont Tennis Club.

#### **Background**

The lease agreement with the Claremont Tennis Club (CTC) was for a ten year term (expired September 2014) with further ten year renewal option. The CTC exercised the option and which will see the lease expire in September 2024. The lease area covers portions of Reserves 22142 and 9249 which are made up of a number of land parcels being Swan Locations 3070, 2511, 2112 and 2032 (Attachment 1).

Among other items, the lease grants a licence to use Swan Location 2112 for the purpose of parking cars and motor bikes. This area is the currently uncontrolled/unsealed parking area immediately adjacent to Shenton and Davies Roads.

While not provided for within the lease or licence, the Town since 2009 has granted the Tennis Club exclusive use of this area for parking fundraising during the Royal Show.

This area, together with the eastern portion of Swan Location 3070, has been identified in the Town's Parking Strategy to be upgraded, controlled and managed by the Town. With the *Claremont on the Park* development including realignment of Shenton Road and loss of the current PTA parking on this road now proceeding, officers have been in discussions with the CTC on the removal of these areas from the lease/licence in order to formalise the Town's Parking Strategy objectives.

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The Town has also agreed to participate in a joint partnership arrangement with Landcorp to upgrade the unsealed car park, subject to the final cost of the upgrade being established and approved to proceed.

### **Discussion**

In recognition of the removal of the licence areas from the lease, the CTC has requested consideration to a number of other variations to the lease.

#### Extension of Lease Period

In providing further surety with regard to its tenure at the site, the CTC has requested the Town prepare a new lease for 21 years with an option for renewal for a further 10 years. Subject to Ministerial and Council approval, the new lease would commence during the 2014 - 15 year and will operate to 2036 with an option to 2046.

#### Royal Show Parking

While not provided under the lease agreement, the Town has for some years informally allowed exclusive use of the licence area (approximately 76 bays) to the CTC for parking during the Perth Royal Show. The CTC has indicated this has provided fundraising revenue which has assisted the Club's renewal and operating programs during this period.

In recognition of this arrangement and the Town's requirement to take responsibility of the licence area, the CTC have requested an alternate site to manage be made available for a five year period to generate supplementary revenue during the Perth Royal Show event. The club has sought this period based on the period remaining for the club to fund its portion of the recent upgrade to the grounds including installation of four hard courts and associated fencing.

#### Other

As part of the design and development of the 'at grade' car parking station, three car bays may be allocated for ACROD only access and the current ramp leading to the CTC clubrooms will be modified to accommodate the ACROD bays.

It is also proposed the CTC be issued ten parking permits to distribute as required to assist with parking arrangements for playing members, with an additional ten provided for weekend use. These permits will be subject to bay availability (as is the case now) and no bays will be reserved for CTC club use only.

The Town may support the CTC request for assistance removing and re-installing of the Tennis Bumper Board located on the site to an alternate location within the grounds of the CTC.

The CTC have requested permission to install signage within the site. The Town will consider signage at a location adjacent to Davies and Shenton Road. Any signage would be required to comply with the Town's Signage Policy and all cost associated with signage will be the responsibility of the CTC.

To assist with further parking space, the Town is also investigating the feasibility of formal public car parking bays along the eastern verge of Shenton Place and the southern verge of Claremont Crescent (between Shenton and Stirling Road ) for use by the CTC and the general public.

As is the case with all reviews, lease documentation is updated to provide clarification on roles and responsibilities of each of the parties to the lease.

### **Past Resolutions**

*2004 TBA.*

### **Financial and Staff Implications**

The rental is currently \$12,423.06 including GST on which a 25% subsidy is provided. It is proposed a new lease proceed with a CPI increase and annually thereafter.

### **Policy and Statutory Implications**

*Local Government Act 1995.*

### **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.*

- Develop the public realm as gathering spaces for participation and enjoyment.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

#### **People**

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

- Maintain, effectively manage and enhance the Town's community facilities in response to a growing community.
- Create opportunities for and access to social participation and inclusion in support of community health and well being.

#### **Governance and Leadership**

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

- Identify strategic partnerships that align with the Town's vision.
- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Focus on improved customer service, communication and consultation.
- Provide responsive and responsible leadership.

**Urgency**

Finalising a new lease will recognise the longer term vision of both the Claremont Lawn Tennis Club and the Town.

**Voting Requirements**

Simple majority decision of Council required.

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

1. **Request Ministerial approval to lease of the premises relating to portion of Reserve 22142 and 9249.**
2. **On approval, prepare lease documents to lease the premises to the Claremont Tennis Club for a term of 21 years with a 10 year option term.**
3. **Make available alternate site of similar capacity for use by the Claremont Tennis Club for parking during the Perth Royal Show for a period of five years.**

**AMENDMENT****Moved Cr Haynes, seconded Cr Goetze**

**That;**

**Point 3 be amended to read -**

**'Make available the proposed car park to the Claremont Tennis Club for parking during the Perth Royal Show for a period of five years.'**

Reason: To continue use of the same area by the Tennis Club.

**CARRIED(06/15)  
(NO DISSENT)**

**THE AMENDED PRIMARY MOTION WAS PUT****That Council**

1. **Request Ministerial approval to lease of the premises relating to portion of Reserve 22142 and 9249.**
2. **On approval, prepare lease documents to lease the premises to the Claremont Tennis Club for a term of 21 years with a 10 year option term.**
3. **Make available the proposed car park to the Claremont Tennis Club for parking during the Perth Royal Show for a period of five years.**

**CARRIED(07/15)  
(NO DISSENT)**

*Deputy Mayor Haynes vacated the chair. Mayor Barker returned to the Chambers at 7:33 PM and took the chair to preside the meeting.*

**13.3 INFRASTRUCTURE****13.3.1 PROPOSED TEMPORARY STORAGE YARD**

**File Ref:** COP/00041  
**Attachments:** [Map showing proposed area, fences and trees](#)  
**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure  
**Author:** Saba Kirupanather  
Executive Manager Infrastructure  
**Proposed Meeting Date:** 03 February 2015

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*Note: Item 13.3.1 was withdrawn by the Acting Chief Executive Officer.*

**13.3.2 MOTTERAM AVENUE RESERVE**

<b>File Ref:</b>	<b>PRK/00141</b>
<b>Attachments:</b>	<a href="#">Concept Plan</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Andrew Head Manager Parks &amp; Environment</b>
<b>Proposed Meeting Date:</b>	<b>3 February 2015</b>

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**Purpose**

Report recommends Council approve amendment to Motteram Reserve upgrade now that bore water is not available.

**Background**

Motteram Reserve was irrigated from the bore located within the previous Council depot. Due to the relocation of the depot and subsequent decommissioning of the bore as part of the North East Precinct [NEP] Development works, this reserve has not been watered over the last few years resulting in a decline of turf cover.

**Discussion**

The reserve is used by the residents for passive recreation such as dog exercise, children's play and walking through to get to the Claremont CBD. The local business workers use the area to relax and have lunch from time to time.

Currently there are no facilities such as seats or a bin at the site and as a result the Town regularly have to clean up litter and dog poo. By placing a bin with a dog poo bag holder, a bench, and a path to walk through the reserve, would complement the existing use.

A concept plan (attached) was drawn up and sent to residents with a letter to consult with them on some proposed additions to the reserve. That included a limestone path, bin, seat, swings and landscaping with low water use local plants.

At the meeting requested by residents the main concerns raised related to irrigation and the lack of green grass that they enjoyed previously. They also advised that once the North East Precinct is completed there will be more people in the area putting pressure on little reserves such as this one.

Attached is the comments received from two individuals, and the third comment which was a group submission from 23 people.

Comments
This concept plan looks to me to be nothing more than a return to scrub with a token seat and swing sitting on mulch. While I appreciate the need to conserve water, such a small area is comparable to the verge area currently being reticulated along Shenton Rd outside Scotch College. If you were to only reticulate a smaller area (those areas under the play and seating areas say), it could be done off the mains with temporary connections to native plant areas for less cost.
Locals do not pick up their dogs' droppings, which mean the park, however elegantly planted and watered, would tend to look like a neglected dog poo area. The swings and playground equipment are a great idea. The grass trees are also attractive as long as they don't take up too much space, because I would like to see more than one seat, and perhaps also a picnic table or two. To motivate local residents to keep the area attractive, the Council might need to consider providing a bin and also a dog poo bin service at the boundary of the park.
The park was once lovely, green accessible area that attracted and encouraged residents walking their dogs, neighbourly conversations, children playing, sports games and employees on lunch break. Would like to see Improvement of lawn, irrigation and new bollards to return the neglected park to its former community function for low cost with a great outcome. It allowed easy passage for walking train commuters and people shopping at Claremont Quarter without dirt filling their shoes. It's disappointing our community park no longer functions this way.

Feedback received primarily identifies concerns are about the lack of water. The proposed facilities within the concept plan seem popular but there is a strong desire to irrigate a small area and not mulch the entire reserve.

A mains water supply has been installed by the residents in the southern cul-de-sac and could be used as a supply to irrigate a small area of lawn for people to sit, throw or kick a ball with a dog or play catch with a Frisbee. However the water meter and associated works will cost approximately \$20,000 and an annual usage cost of \$500. Water may be possibly supplied from a valve connected to the NEP development and bore, the cost of which will be around \$10,000 with no ongoing water consumption cost.

Residents who attended the site meeting showed a preference for a small irrigated lawn area as opposed to the completely dry park concept with grass trees as the dominant feature.

### **Past Resolutions**

Nil

### **Financial and Staff Implications**

There is no impact on the existing budgetary allocation of \$106,000.

### **Policy and Statutory Implications**

Town of Claremont - Water Operating Strategy

### **Publicity**

Inform residents of the Council decision

## 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.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Develop the public realm as gathering spaces for participation and enjoyment.
- Maintain and upgrade infrastructure for seamless day to day usage.

### People

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

- Maintain, effectively manage and enhance the Town's community facilities in response to a growing community.
- Create opportunities for and access to social participation and inclusion in support of community health and well being.

### Environment

*We are a leader in responsibly managing the build and natural environment for the enjoyment of the community and continue to provide sustainable, leafy green parks, streets and outdoor spaces.*

- Strive for innovative environmental design practices in new developments and redevelopments.

### Governance and Leadership

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

- Focus on improved customer service, communication and consultation.
- Provide responsive and responsible leadership.

### Urgency

To complete the works in this financial year.

### Voting Requirements

Simple majority decision of Council required.

### Moved Wood, seconded Kelly

**That Council approves minor changes to the Motteram Reserve Concept to include a small area of irrigated lawn in addition to a concrete path, bin, seat, swings and landscaping with low water use local plants.**

**CARRIED(08/15)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker attended Swan River Foreshore with Claremont residents regarding issues resulting from weed that Swan River Trust failed to clean up. The Mayor noted that the matter had now been forwarded to the Premiers Office and was in the process of being resolved.

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

NIL

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

NIL



**17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****MOTION TO CLOSE DOORS****Moved Cr Haynes, seconded Cr Lorenz****That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following 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(09/15)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:38PM.*

*Mayor Barker reconvened the meeting at 7:39PM.*

**Mayor Barker**

<b>Cr Peter Browne</b>	<b>West Ward</b>
<b>Cr Karen Wood</b>	<b>West Ward</b>
<b>Cr Peter Edwards</b>	<b>West Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Alistair Tulloch</b>	<b>East Ward</b>
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Anita Lorenz</b>	<b>East Ward</b>

**Mr Les Crichton (Acting Chief Executive Officer)****Mr Saba Kirupanather (Executive Manager Infrastructure)****Mr David Vinicombe (Executive Manager Planning and Development)****Ms Katie Bovell (Governance Officer)**

**17.1 CORPORATE AND GOVERNANCE****17.1.1 151 (LOT 15) CLAREMONT CRESCENT, CLAREMONT - EXPRESSION OF INTEREST TO SELL PROPERTY**

**File Ref:** COP/00032  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Brian Kavanagh  
Manager Strategic Projects  
**Proposed Meeting Date:** 03 February 2015

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**Purpose**

It is proposed that the following item be considered in closed session.

**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Moved Cr Lorenz, seconded Cr Edwards**

**That Council;**

- 1. Seek Expression of Interest (EOI) for the sale of 151 (Lot 15) Claremont Crescent Claremont based on the property being presented on a 'as is' basis;**
- 2. Authorise the unbudgeted expenditure of \$100,050 for works and associated processes to enable the sale of the property;**
- 3. Authorise transfer of \$100,050 from the Future Fund Reserve to fund the works;**
- 4. Receive a further report for consideration on disposal of 151 (Lot 15) Claremont Crescent Claremont, following closure of the EOI.**

**CARRIED BY AN ABSOLUTE MAJORITY(10/15)**

**MOTION TO PROCEED WITH OPEN DOORS**

**Moved Cr Haynes, seconded Cr Lorenz**

**That the meeting proceed with open doors.**

**CARRIED(11/15)  
(NO DISSENT)**

*The meeting proceeded with doors open at 7:44PM.*

**THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.**

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, 17 February 2015.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:45 PM.

Confirmed this ... .. day of ... .. 2016.

**PRESIDING MEMBER**