



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 1 NOVEMBER, 2016**

**Stephen Goode**

**CHIEF EXECUTIVE OFFICER**

**Date:**

## **DISCLAIMER**

Would all members of the public please note that they are cautioned against taking any action as a result of a Council decision tonight until such time as they have seen a copy of the Minutes or have been advised, in writing, by the Council's Administration with regard to any particular decision.

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**1 NOVEMBER, 2016**  
**MINUTES**

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

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

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

**ATTENDANCE**

**Mayor Barker**

**Cr Peter Browne**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Karen Wood**

**West Ward**

**Cr Chris Mews**

**South Ward**

**Cr Jill Goetze**

**South Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Kate Main**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate and Governance)**

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

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

**Ms Liz Ledger (Executive Manager People and Places)**

**Ms Katie Bovell (Governance Officer)**

**Two members of the public**

**One member of the press**

**3 DISCLOSURE OF INTERESTS**

**NIL**

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

**NIL**

**5 PUBLIC QUESTION TIME**

**Mr Bart Benschop, 4 Queenslea Drive, Claremont.**

Mr Benschop began making a statement and was requested by the Mayor to ask a question at which point he left the meeting.

**6 PUBLIC STATEMENT TIME**

**Mr John Price, Christ Church Grammar School.**

**Item 13.1.1, Lots 718, 803, 810 And 811 (19) Queenslea Drive, Claremont - Proposed Remedial and Upgrade Works to Foreshore Access Path and Boat Ramp.**

Mr Price spoke in favour of the proposed development application as submitted however against the revised officer recommendation.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Main, seconded Cr Mews**

**That Cr Tulloch be granted Leave of Absence for the Ordinary Council Meeting on 13 December 2016.**

**CARRIED(175/16)  
(NO DISSENT)**

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Edwards, seconded Cr Kelly**

**That the minutes of the Ordinary Meeting of Council held on 18 October 2016 and the Special Meeting of Council held on 25 October 2016 be confirmed.**

**CARRIED(176/16)  
(NO DISSENT)**

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

NIL

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

NIL

**12 REPORTS OF COMMITTEES**

NIL

**13 REPORTS OF THE CEO****13.1 PLANNING AND DEVELOPMENT****13.1.1 LOTS 718, 803, 810 AND 811 (19) QUEENSLEA DRIVE, CLAREMONT - PROPOSED REMEDIAL AND UPGRADE WORKS TO FORESHORE ACCESS PATH AND BOAT RAMP**

<b>File Ref:</b>	<b>01PEA/16/2929</b>
<b>Attachments (Public):</b>	<a href="#">Addendum</a> <a href="#">Location Plan and Photos</a> <a href="#">Minutes of Foreshore Advisory committee Meeting held 13 October 2016</a>
<b>Attachments (Restricted):</b>	<a href="#">Site Plan and Elevations</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>1 November 2016</b>
<b>Date Prepared:</b>	<b>25 October 2016</b>
<b>Planning Application No.:</b>	<b>DA2016.00116</b>
<b>60 Days Due Date:</b>	<b>N/A</b>
<b>Property Owner:</b>	<b>Christ Church Grammar School and Methodist Ladies College</b>
<b>Submitted By:</b>	<b>Airey Taylor Consulting</b>
<b>Lot No.:</b>	<b>718, 803, 810 and 811</b>
<b>Area of Lot:</b>	<b>718 – 2,840 m<sup>2</sup>, 803 – 3,975 m<sup>2</sup>, 810 – 20,665m<sup>2</sup> and 811 – 2,366 m<sup>2</sup> Total – 29,846m<sup>2</sup></b>
<b>Zoning:</b>	<b>Regional Reserve for Parks and Recreation</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Metropolitan Regional Scheme (MRS)</b> <b>Town Planning Scheme No. 3 (TPS3)</b> <b>Local Law 123 – Height of Buildings</b> <b>Freshwater Bay Escarpment</b>

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**Summary**

- Metropolitan Region Scheme (MRS) Form 1 application for Planning Approval received by the Town on 26 July 2016 for a new pedestrian ramp down the Freshwater Bay escarpment from Christ Church Grammar School (CCGC) to a western set-down area located on land owned by Methodist Ladies College (MLC), construction of a new path east toward the existing CCGS boat shed,
-

reconstruction of the CCGS boat ramp and associated rock revetments and landscaping.

- The works are proposed to allow rowing boats (up to 17m long) to be safely transported to and from the school to the foreshore by students and to upgrade the existing boat ramp which is being eroded and unsafe.
- The lower set-down area, path and new boat ramp are located on the MRS Regional Reserve for Parks and Recreation (P&R Reservation) for acquisition by Western Australian Planning Commission (WAPC).
- As the works are located in the P&R Reservation, approval is not required under TPS3 by the Town. Approval is required under the MRS by the WAPC following recommendation from Council.
- The proposal has been referred to Council's Foreshore Advisory Committee twice for comment and was supported both times with recommended alterations and conditions.
- The second meeting of the Foreshore Advisory Committee was held on site and presentations were made by the applicants to address concerns raised by the Committee at its first meeting.
- Recommended that Council advise the WAPC that it conditionally supports the proposal subject to standard conditions and recommended design modifications to reduce the impact of the proposal on and to reinstate the natural beach foreshore along the Freshwater Bay.

### **Purpose**

The application proposes construction of a new stairway from CCGS (near Chapel) to a set-down area on the foreshore, a new path to the existing boat shed, reconstruction of the boat ramp and associated rock revetments and landscaping. The works are proposed to allow both CCGS and MLC students to transfer rowing boats (up to 17m long) safely to and from school and the foreshore and to upgrade the existing boat ramp which is being eroded and unsafe.

The proposed development is not required to obtain development approval under Town Planning Scheme No. 3 (TPS3), but is required to be determined by the Western Australian Planning Commission (WAPC) pursuant to the Metropolitan Region Scheme (MRS). Council is required to make its recommendation to the WAPC within 42 days of receipt of the application (by 21 September 2016 – extended to 5 October 2016).

The proposal was recommended for support in a delegated report to Council on 14 September in accordance with Delegation DA22. Due to concerns raised by Cr Mews, the proposal is referred to Council for consideration. In the process, the application was referred to Council's Foreshore Advisory Committee for consideration and comment twice (on 22 September and 13 October 2016). A report on the proposal was to be considered by Council on 4 October 2016, however in view of concerns raised by the applicant the report was deferred. The second meeting of the Foreshore Advisory Committee provided for the applicant to discuss implications of proposed recommendations previously proposed by the Committee. The Department of Planning has authorised an extension to Council's comment period to facilitate Council's recommendation extending from this meeting.



## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
26 July 2016	Planning Application received by Council
6 September 2016	Comments to WAPC due
14 September 2016	Delegated Report
22 September 2016	Foreshore Advisory Committee meeting
27 September 2016	First report prepared for Council
4 October 2016	Original report presented to Council
13 October 2016	Applicant presented to Foreshore Advisory Committee and a revised recommendation to Council was made
25 October 2015	Second report prepared for Council

## Past Resolutions

Ordinary Council Meeting 19 July 2016, Resolution 111/16:

*That Council approves;*

1. *The WESROC Foreshore Management Plan Report.*
2. *The section Appendix E, relating to Town of Claremont.*
3. *The use of remaining budgets being for Foreshore Stage 1 Management Plan and River Foreshore Erosion control, to be used for the development of detailed plans for;*
  - a) *Chester Road car park modification design.*
  - b) *Alex Prior drain outfall.*
  - c) *Sand accretion and erosion management.*

*CARRIED  
(NO DISSENT)*

## Heritage

The property is not included in the Town's Heritage List.

## Consultation

The proposal was not advertised to adjoining property owners in accordance with Council Policy on Advertising of Planning Applications LG525 as it does not impact on adjoining property owners.

## Discussion

### Foreshore Management Plan

The application is considered to be generally consistent with the Foreshore Management Plan (FMP) approved by Council earlier this year.

The FMP provides a number of recommended actions to improve the resilience and function of the foreshore.

Within the FMP, the area behind the school was identified as an area requiring attention in relation to the design to reduce ongoing management issues with the foreshore, particularly in relation to sediment transport (erosion and accretion).

The Town provided the developer with the approved Foreshore plan to ensure these issues were addressed during the redesign of the boat ramps and access to the foreshore.

The actions identified are as follows (From Appendix E (TOC) of the WESROC FMP:

#### Capital Works

- Christ Church to extend stairs from school to the boat shed (extends half-way down the slope) to minimise erosion from pedestrians.
- Fence other pathways to minimise trampling and revegetate. Cost: Christ Church Grammar School
- Develop guidelines and memoranda of understanding regarding requirements for private property owners and leaseholders (see Issues to be resolved below).

#### Maintenance

- Maintain stairs and fencing to guide pedestrian access between Christ Church school and the boat shed.
- Annual and post-event checks with maintenance to be undertaken as needed.
- Encourage any areas with bamboo removal to be revegetated with other plants to slow erosion, if erosion is threatening any existing facilities. To be confirmed with private property owners and Parks and Wildlife (*through the Swan River Trust - SRT*)
- 5 to 10 yearly geotechnical assessment of toe of steep banks to determine hazards related to slip failure or bank collapse.

Clear documentation outlining the responsibility of Christ Church school and private property owners in terms of:

- Maintaining their own erosion mitigation structures and facilities (no financial assistance provided by government). This also requires maintenance of access to their lower foreshore areas for heavy vehicles, or arrangements with adjacent owners for access or the understanding that a barge may be required.
- Minimising the transfer of erosion risk to adjacent properties and the potential to have to provide financial compensation if any works undertaken transfer erosion.
- Works should not reduce hydraulic smoothness or restrict bidirectional transport.
- Contributing to weed management and fire load reduction for fire management (details TBC). This includes no dumping of garden waste.
- Surface runoff management and pool discharge for properties at the top of cliffs and steep slopes.
- Any works to require Whadjuk approval.

Works to be avoided include:

- Works that reduce hydraulic smoothness.
-

- Works that restrict bidirectional sediment transport.
- Works that could result in slips of the steep slopes, which could cause damage to private property above.
- Reinstatement of Osborne steps, or equivalent access to lower foreshore, because of high capital and maintenance costs and the inability to guarantee safe pedestrian access between Christ Church boat ramp and Claremont Yacht Club (CYC).
- Harvesting any sediment from this section for use elsewhere on the river as it will enhance the rate of erosion of the steep banks.
- Works that transfer erosion hazard to adjacent properties.
- Plans for pedestrian access along this section of foreshore.
- Renourishment of the lower foreshore because of contribution to sedimentation of CYC pens, unless the material is harvested from the pens.

The proposal was initially referred to Council's Foreshore Advisory Committee on 22 September 2016 where it was resolved as follows:

*That Committee supports the proposed design for Christ Church boat ramp and access subject to the following conditions:*

1. *Removal of redundant stairs previously providing access to foreshore by both Methodist Ladies College and Christ Church Grammar School and re-establish local native vegetation along the former stairway alignments.*
2. *Realign stairs over existing path alignment to retain Tuart trees – marked as T4 and T5 on plan L-01.*
3. *Set ramp back to align with high water mark by cutting back failing wall on dinghy store to provide adequate room along beach and improve hydraulic smoothness or shoreline.*
4. *Redesign revetment in front of ramps and boat shed to re-establish a natural beach shoreline and densely plant remaining revetment with Melaleuca and Saltbush as per the species nominated on the plan to improve sediment transport.*
5. *Town to liaise with Christ Church Grammar School to determine the justification for the western set down area and reduce in size if possible.*
6. *Providing the western set down area is justified, provide new cantilever steps from the set down area to the foreshore to the satisfaction of the Town of Claremont to improve pedestrian access to the foreshore and allow vegetation re-establishment.*
7. *Remove all redundant infrastructure and building materials including but not limited to concrete footings and building rubble, failed rock wall, ramp and revetment materials, both above and below high water mark to the satisfaction of the Town of Claremont.*
8. *Creation of a revegetation plan to demonstrate the gradual ongoing replacement of Arundo (Giant reed), Agave (Century Plant), Watsonia bulb (Watsonia) with other plants to slow erosion across the embankment to the satisfaction of the Town of Claremont.*

9. *Application is to be made to and a Section 18 approval is to be granted by Department of Indigenous Affairs.*

*Advice Note:*

- A. *Town to liaise with Methodist Ladies College with a view to secure removal of any redundant infrastructure, fencing and stairs along the foreshore area.*
- B. *A Building Permit must be obtained from the local government prior to the commencement of any building works. Permits for non residential development must be certified prior to submission.*

Following concerns raised by the applicant, the proposal was again referred to Council's Foreshore Advisory Committee on 13 October 2016 to reconsider a number of elements of the previous Committee recommendation and it was resolved as follows:

*That Committee supports the proposed design for Christ Church boat ramp and access subject to the following conditions:*

1. *Removal of redundant stairs previously providing access to foreshore by Christ Church Grammar School and re-establish local native vegetation along the former stairway alignments.*
2. *Set ramp back to align with High Water Mark by cutting back failing wall on dinghy store to provide adequate room along beach and improve hydraulic smoothness or shoreline.*
3. *Redesign revetment in front of ramps and boat shed to re-establish a natural beach shoreline by removing redundant ramp to a point two meters north of High Water Mark and densely plant remaining revetment areas with Melaleuca and Saltbush as per the species nominated on the plan to improve sediment transport.*
4. *Provide new cantilever steps from the western landing to the foreshore to the satisfaction of the Town of Claremont to improve pedestrian access to the foreshore.*
5. *Remove all redundant building materials including but not limited to failed rock wall, ramp and revetment materials.*
6. *Creation and implementation of a ten year revegetation plan to remove exotic plants and revegetate with provenance seed grown plants to slow erosion across the embankment to the satisfaction of the Town of Claremont.*
7. *Application is to be made to and a Section 18 approval is to be granted by Department of Indigenous Affairs.*

Compliance

Clause 38 of TPS3 requires buildings to be amalgamated onto one lot where the building extends over the boundaries of a lot. The proposed stairs extend over three lot boundaries, in two separate owners (CCGS and MLC). This requirement does not strictly apply the P&R Reservation and it is noted that Clause 38 is proposed to be removed from the Scheme under Amendment No. 132, which is currently awaiting final approval from the Minister for Planning. In these circumstances, the *Building Act 2011* would determine whether amalgamation is necessary to address fire safety considerations. Discussions with Council's Building Services provider indicate that it is unlikely that amalgamation would be required in this instance.

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Clause 50 of TPS3 restricts building heights to a maximum of 2.4m and a finished floor level of no higher than 1m above natural ground level when included in the area hatched as part of Local Law 123 – Height of Buildings Freshwater Bay Escarpment. The current plans are in accordance with this requirement. This matter was the subject of considerable discussion and presentation by the applicant to the Foreshore Advisory Committee. The Committee had previously recommended that the alignment be deviated to the south to follow the existing steps and avoid the removal of two mature Tuart Trees. The applicants indicated that the proposed alignment avoided raising the height of the stairs over the TPS3 requirement. Further, to realign the stairs to the south and address the height considerations, would result in inconsistent stair patterns which would be a safety concern for students traversing the stairs while carrying boats. It was agreed by the Committee that the former proposed condition should be removed to address these matters.

### **Conclusion**

Based on the above, it is recommended that approval be granted subject to the conditions recommended by the Foreshore Advisory Committee and inclusion of a condition requiring a construction management plan.

### **Voting Requirements**

Simple majority decision of Council required.

### **OFFICER RECOMMENDATION**

THAT Council:

- A Advise the Western Australian Planning Commission that it supports the granting of a planning approval for proposed remedial and upgrade works to foreshore access path and boat ramp at Lots 718, 803, 810 and 811 (19) Queenslea Drive, Claremont subject to the following conditions and advice notes:
1. Removal of redundant stairs previously providing access to foreshore by Christ Church Grammar School and re-establish local native vegetation along the former stairway alignments.
  2. Set ramp back to align with High Water Mark by cutting back failing wall on dinghy store to provide adequate room along beach and improve hydraulic smoothness of shoreline.
  3. Redesign revetment in front of ramps and boat shed to re-establish a natural beach shoreline by removing redundant ramp to a point two meters north of High Water Mark and densely plant remaining revetment areas with Melaleuca and Saltbush as per the species nominated on the plan to improve sediment transport.
  4. Provide new cantilever steps from the western landing to the foreshore to the satisfaction of the Town of Claremont to improve pedestrian access to the foreshore.
  5. Remove all redundant building materials including but not limited to failed rock wall, ramp and revetment materials.
  6. Creation and implementation of a ten year revegetation plan to remove exotic plants and revegetate with provenance seed grown plants to slow erosion across the embankment to the satisfaction of the Town of Claremont.
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7. Application is to be made to and a Section 18 approval is to be granted by Department of Indigenous Affairs.
8. Site and Construction Management Plan is required for the construction of the proposed development including details on delivery and service vehicles/craft prior to issue of a Building Permit and implemented for the duration of construction to ensure the adjacent foreshore and vegetation is not damaged during construction works and removal of redundant infrastructure.

Advice Notes:

- (i) A Building Permit must be obtained from the local government prior to the commencement of any building works. Permits for non residential development must be certified prior to submission.
  - (ii) It is noted that the existing dingy store is in poor repair. It is advisable for the structural stability of the store to be verified by a structural engineer and that rectification works be undertaken if required.
  - (iii) The applicant/owner is advised of the following health requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
    - a) Works that are to be undertaken on site are to comply with the *Environmental Protection (Noise) Regulations 1997*;
    - b) Under the *Environmental Protection (Noise) Regulations 1997*, no work is to be permitted or suffered to be carried out:
      - i. Before 7:00am or after 6:00pm between Monday and Saturday inclusive; or
      - ii. On a Sunday or public holiday;
    - c) The applicant is to remove any hazardous materials contained within the building including the portion of the building to remain, at their own expense and in accordance with the *Code of Practice on Safe Removal of Asbestos (NOHSC:2002(1988))* as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
- B. Manager Parks and Environment to liaise with Methodist Ladies College with a view to secure removal of any redundant infrastructure and fencing along the foreshore area.

## **ADDENDUM**

### **Background**

At Council's Question and Answer session on 31 October a query was raised in relation to this item regarding the retention of the root structure relating to the two Tuart Trees (one damaged) to be removed as a result of the alignment of the stairs. This addendum to the Council report addresses this matter and reconsiders the alignment of the stairway in light of re-examining these matters and Council's requirements.

### **Discussion**

#### Retention of Root Structures for Trees to be Removed

The concern raised on this matter related to the potential for erosion to occur if the root structures are removed as a result of the stairway alignment and construction requirements. The main concern related to the larger and older Tuart (damaged) next to the existing path directly north of the north-eastern corner of the boat shed.

There is a proposed condition for the "creation and implementation of a ten year revegetation plan to remove exotic plants and revegetate with provenance seed grown plants to slow erosion across the embankment to the satisfaction of the Town" which may address this matter. However, the plans indicate that there are structural supports and footings for the stairs in the centre of the older Tuart and either side of the younger Tuart. Modifications will be required to the structural plans to address this matter.

#### Alignment of Proposed Stairway

The above concerns prompted a review of the requirements relating to the alignment of the proposed stairway. The alignment was selected due to safety concerns and the Town's height restrictions contained under clause 50 of Town Planning Scheme No. 3 (TPS3) which restricts building heights to a maximum of 2.4m and a finished floor level of no higher than 1m above natural ground level when included in the area hatched as part of Local Law 123 – Height of Buildings Freshwater Bay Escarpment. No discretion applies under the provisions of TPS3 to vary this height requirement.

In reviewing this matter, it was noted that clause 50 is specifically located under Division II of the scheme relating to the Residential Zone requirements. These requirements do not relate to the Regional Open Space in which the stairs are proposed. In the absence of the scheme requirement, the Town's Local Law 123 - Height of Buildings Freshwater Bay Escarpment applies the same restrictions on height; however as applied under Council's consideration of the Bethesda Hospital extension on the adjacent land, the Local Law may be varied by taking into account the objectives of the Local Law.

On this basis, the original officer recommendation to Council on 13 October 2016, which proposed that the stairway be deviated to the south of the Tuart Trees, partially along the alignment of the existing pathway may be reconsidered.

Although Local Law 123 - Height of Buildings Freshwater Bay Escarpment does not contain any objective, it is clear that its intent is to minimise the impact of building development along the escarpment, specifically when viewed from the river and foreshore. In this instance, there is capacity to consider a variation to the height

requirements as the stairs are located partially behind the boatshed and existing vegetation which would shield view of the stairs from the foreshore and river.

In considering the alignment of the stairway at the Foreshore Advisory Committee meeting on 13 October 2016, the non-discretionary elements of TPS3 were a concern to Committee members. Given that the scheme requirement does not apply and as the Local Law may be varied, it is considered appropriate that the recommendation to Council be amended to provide for the stairs to be deviated by one metre to the south to save the two Tuart Trees and their associated root structures to mitigate against erosion on the escarpment (new condition 1).

It is noted that attempts have been made to discuss this matter with the applicant, however the schools' representative was unavailable at the time of finalising this addendum to the report. The applicant is likely to be concerned over the change in alignment of the stairs as considerable effort has been made in designing the stairs to accommodate both safety considerations and the height requirements in the understanding that they could not be varied. However, in the context of saving the existing trees and in the interests of preventing of erosion on the escarpment, it is considered appropriate that the revised recommendation be adopted by Council. The applicant may take any concerns on the matter up with the Department of Planning which will be reporting the matter to the Western Australian Planning Commission.

#### **REVISED OFFICER RECOMMENDATION**

**Moved Cr Mews, seconded Cr Tulloch**

**THAT Council:**

- A Advise the Western Australian Planning Commission that it supports the granting of a planning approval for proposed remedial and upgrade works to foreshore access path and boat ramp at Lots 718, 803, 810 and 811 (19) Queenslea Drive, Claremont subject to the following conditions and advice notes:**
- 1. The stairway be deviated by one metre to the south of the existing Tuart Trees proposed to be removed by the application in order to save these trees and their associated root structures and mitigate against soil erosion on the escarpment.**
  - 2. Removal of redundant stairs previously providing access to foreshore by Christ Church Grammar School and re-establish local native vegetation along the former stairway alignments.**
  - 3. Set ramp back to align with High Water Mark by cutting back failing wall on dinghy store to provide adequate room along beach and improve hydraulic smoothness of shoreline.**
  - 4. Redesign revetment in front of ramps and boat shed to re-establish a natural beach shoreline by removing redundant ramp to a point two meters north of High Water Mark and densely plant remaining revetment areas with Melaleuca and Saltbush as per the species nominated on the plan to improve sediment transport.**
  - 5. Provide new cantilever steps from the western landing to the foreshore to the satisfaction of the Town of Claremont to improve pedestrian access to the foreshore.**
-



6. Remove all redundant building materials including but not limited to failed rock wall, ramp and revetment materials.
7. Creation and implementation of a ten year revegetation plan to remove exotic plants and revegetate with provenance seed grown plants to slow erosion across the embankment to the satisfaction of the Town of Claremont.
8. Application is to be made to and a Section 18 approval is to be granted by Department of Indigenous Affairs.
9. Site and Construction Management Plan is required for the construction of the proposed development including details on delivery and service vehicles/craft prior to issue of a Building Permit and implemented for the duration of construction to ensure the adjacent foreshore and vegetation is not damaged during construction works and removal of redundant infrastructure.

**Advice Notes:**

- (i) A Building Permit must be obtained from the local government prior to the commencement of any building works. Permits for non residential development must be certified prior to submission.
- (ii) It is noted that the existing dingy store is in poor repair. It is advisable for the structural stability of the store to be verified by a structural engineer and that rectification works be undertaken if required.
- (iii) The applicant/owner is advised of the following health requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
  - a) Works that are to be undertaken on site are to comply with the *Environmental Protection (Noise) Regulations 1997*;
  - b) Under the *Environmental Protection (Noise) Regulations 1997*, no work is to be permitted or suffered to be carried out:
    - i. Before 7:00am or after 6:00pm between Monday and Saturday inclusive; or
    - ii. On a Sunday or public holiday;
  - c) The applicant is to remove any hazardous materials contained within the building including the portion of the building to remain, at their own expense and in accordance with the *Code of Practice on Safe Removal of Asbestos (NOHSC:2002(1988))* as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

- B. Manager Parks and Environment to liaise with Methodist Ladies College with a view to secure removal of any redundant infrastructure and fencing along the foreshore area.**

**CARRIED(177/16)  
(NO DISSENT)**

## 13.2 INFRASTRUCTURE

### 13.2.1 VARIATION OF MANAGEMENT AGREEMENT FOR CLAREMONT OVAL AND THE PUBLIC OPEN SPACE

<b>File Ref:</b>	<b>LND/00091</b>
<b>Attachments:</b>	<a href="#">CFCVariation of Lease Claremont Oval V5 pdf</a> <a href="#">CFCVariation of Lease base Public open space V3 pdf</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Marty Symmons</b> <b>Engineering Technical Officer</b>
<b>Proposed Meeting Date:</b>	<b>01 November 2016</b>

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#### **Purpose**

For Council to approve the proposed variations of the Claremont Oval Management Agreement and the Public Open Space Management Agreement, and authorise the Chief Executive Officer to prepare final documentation for execution by the parties

#### **Background**

The North East Precinct [NEP] Structure Plan was endorsed by the West Australian Planning Commission [WAPC] in June 2010 subject to some minor modification. In December 2010 the WAPC confirmed the amended NEP Structure Plan.

In November 2010 the Premier announced the NEP development led by Landcorp with a project reference group to be established involving the Department of Planning; Town of Claremont; Public Transport Authority; WA Police and Police Citizen Youth Club and the Claremont Football Club.

The Claremont Football Club clubroom footprint redevelopment area and the oval was created as a crown land subdivision with the remainder of the land reverting to unallocated crown land, until later subdivided for redevelopment.

The arrangement for North East Precinct redevelopment and subsequent subdivision required the Town and Claremont Football Club to relinquish the existing (2001-2011/21) Lease and Licence and develop an agreed shared management agreement. Council approved the Claremont Oval Management Agreement (147/11).

The Town of Claremont, Claremont Football, and the Western Australian Land Authority (Landcorp) are parties to the Public Open Space [POS] Management Agreement, Council approved (148/11).

The POS agreement excluded the existing oval playing surface area (area inside and including the 1 metre high fence around the oval perimeter is regulated by the Claremont Oval Management Agreement) but does include a small section of POS adjacent to the oval and CFC development. The CFC clubroom facilities/building

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redevelopment area is on conditional freehold title and State Land Services has framed the conditional freehold policy in conjunction with the CFC.

### **Discussion**

The CFC clubroom facilities/building redevelopment was approved on the condition stormwater drainage was detained onsite.

Based upon geotech reports received prior to development this was achievable.

Once construction commenced it was discovered a limestone shelf within the lot prevented subsoil drainage functioning as required, so an alternate solution was agreed upon; offsite stormwater drainage within the oval. Council has previously been briefed about this option and the Town's officers are satisfied with the design.

Variations to the lease agreements are required to provide for the future maintenance and management of the CFC's drainage system, access requirements, and for all associated costs.

### **Past Resolutions**

Ordinary Council Meeting 5 July 2011, Resolution 147/11

*That Council*

*Approves the Claremont Oval Management Agreement; and*

*Authorises the Mayor and Chief Executive Officer to sign and affix the Town of Claremont Common Seal to the Claremont Oval Management Agreement.*

**CARRIED  
(NO DISSENT)**

Ordinary Council Meeting 5 July 2011, Resolution 148/11:

*That Council*

*Approves the Public Open Space Management Agreement; and*

*Authorises the Mayor and Chief Executive Officer to sign and affix the Town of Claremont Common Seal to the Public Open Space Management Agreement.*

**CARRIED  
(NO DISSENT)**

### **Financial and Staff Implications**

All costs to be paid by CFC.

Some staff time will be required to complete the process and have the agreement registered on the Crown Title.

### **Policy and Statutory Implications**

Lease and Licence 2001-2011/21.

*The Local Government Act 1995.*

*Land Administration Act 1997.*

### **Strategic Community Plan**

### **Governance and Leadership**

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*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.

### **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.

### **Liveability**

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

- Provide a responsible and well managed urban environment, with sustainable development outcomes.

### **Urgency**

Construction of the stormwater drainage is due to commence pending execution of the variations to the Management Agreements

### ***Voting Requirements***

Simple majority decision of Council required.

### **OFFICER RECOMMENDATION**

**Moved Cr Haynes, seconded Cr Tulloch**

**That Council:**

- 1. Approves the variations to the Public Open Space Management Agreement and the Claremont Oval Management Agreement, and**
- 2. Authorises the Chief Executive Officer to sign the variations to the Public Open Space Management Agreement and the Claremont Oval Management Agreement on behalf of the Town of Claremont.**

**CARRIED(178/16)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker and Councillors Goetze, Browne, and Kelly reported on their attendance at a Night on Bay View Terrace.

Cr Browne commended David Cohen on receiving the Arthur Lovekin Prize for Excellence in Journalism Award 2016.

Cr Wood reported on the positive feedback she recently received on the Town's Art Exhibition Award.

**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**

NIL

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 15 November 2016.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:27PM.

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

**PRESIDING MEMBER**