



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 5 APRIL, 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**  
**5 APRIL, 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 7:00 PM.

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

**ATTENDANCE**

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Jill Goetze**

**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 Saba Kirupanather (Executive Manager Infrastructure)**

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

**Ms Katie Bovell (Governance Officer)**

**Four members of the public**

**Two members of the press**

**3 DISCLOSURE OF INTERESTS**

**An interest was declared by Cr Kelly, for Item No 13.1.1**

*Nature of Interest: Financial.*

*Extent of Interest: By virtue of being on the board of Curtin Care Inc.*

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

NIL.

## 5 PUBLIC QUESTION TIME

**Ms Heidi Hardisty, 12A Myera Street, Swanbourne.**

**Re: Item 13.4.2, Shenton Road Streetscape - Claremont on the Park.**

Question: Why were Plane Trees planted on Shenton Road before being approved by council?

Answer: Misinterpretation of Council resolution.

Question: When considering alternatives to street trees (and after excluding Melaleuca and Callistemon species) did you consider all other options from the WESROC Local Native Species Street Tree Options? (See attached).

Answer: Yes and many others.

WESROC street trees

- *Acacia rostellifera* – Max height 6m and very short lived (~20 year) and unstable.
- *Acacia xanthina* – Grows to 4 meters only and as above
- *Agonis flexuosa* – Being used along the rail corridor already
- *Allocasuarina fraseriana* – Nothing grows underneath due to suppression
- *Allocasuarina humilis* – Only gets 2 meters tall.
- *Banksia attenuata* – Doesn't do well in reticulation and mulched gardens and very sensitive to phosphorous.
- *Banksia grandis* – As above
- *Banksia menziesii* – As above
- *Banksia prionotes* – As above
- *Corymbia calophylla* – grows to 40m which is too tall for Shenton Road as distance from rail line is only 17m and PTA will only allow trees which grow lower than distance from tree to track alignment.
- *Eucalyptus decipiens* – Grows as a mallee which makes it unsuitable as a street tree next to parking bays
- *Eucalyptus foecunda* – 5m tall mallee, as above
- *Eucalyptus gomphocephala* – As per *Corymbia*, too tall and a propensity to drop limbs
- *Eucalyptus marginata* – As above, too tall and does not like irrigation water which has a high PH
- *Eucalyptus rudis* – As above and has a tendency to drop limbs which is not desirable
- *Eucalyptus todtiana* – Mallee species which does not grow in paved irrigated areas
- *Melaleuca huegelii* – Only 5 meter tall with shrubby growth habit.
- *Melaleuca lanceolata* – As above but slightly larger to 8m
- *Melaleuca preissiana* – As above
- *Nuytsia floribunda* – Mistletoe species that can only be transplanted from reclaimed specimens from cleared bushland and cost in the order of \$2000 per plant just for purchase.
- *Santalum acuminatum* – Requires a host plant, doesn't like irrigation, not large enough species.

Question: Was the fact that the area surrounding the football oval development is an important ecological corridor as indicated by the Western Suburbs Greening Plan considered?

Answer: Both Lake Claremont precinct to the west and the RASWA land to the east are identified in the 2002 plan however the land use surrounding the oval has changed since this document was developed. It will not compromise any linkages both existing and proposed.

Question: Is there a detailed report available for public viewing regarding these decisions? If yes, can it be tabled at the TOC OCM April 5<sup>th</sup> 2016 for public viewing?

Answer: All reports are available on request, 2014 and 2015 are online and earlier reports can be requested by email.

Question: What is the basis for considering that a major factor for not having evergreen trees is that they will drip on people when it rains? How many days of rain on average occur in Claremont? How many hours of potential annoyance of trees dripping on people does this equate to?

Answer: No it is one of many reasons

Question: Were alternative native trees from the WESROC Local native Species Tree Options considered when weighing up the decision to use evergreen or deciduous trees, including the possibility of different heights and density of leaf cover? If yes, which trees were considered and what reasoning was given not to use these trees?

Answer: Repeated

Question: Was the aesthetics of the trees throughout the year considered, especially that Plane Trees will remain mostly leafless between April and October?

Answer: Yes they will be leafless May through September

Question: Although in general deciduous trees may help to curb urban heat island effect better than evergreens, how do Plane Trees help curb urban heat island effects better than evergreens in a climate like Perth, given that they are leafless for half the year including some of the hot months of spring and autumn? Is there any supporting evidence you can provide for this?

Answer: Most evergreen Australian trees have a number of mechanisms to minimise water loss including turning leaf blades edge on to the sun which reduce transpiration (Loss of water) and closure of the pores of the leaf, this loss of water is what reduces the ambient temperature around the leaf. The pores of the leaf are far more open on large leaf deciduous trees. There have been a number of reports on the heat island effect both here and overseas.

From the Victorian Centre for Climate change adaptation research produced the following document; Responding to the urban heat island: A review of the potential of green infrastructure.

<http://www.vcccar.org.au/sites/default/files/publications/VCCCAR%20Urban%20Heat%20Island%20-WEB.pdf>

## **6 PUBLIC STATEMENT TIME**

**Mr George Pinakis, 16 Hammond Road, Claremont.**

**Re: Item 13.2.1, Heritage Schedule – Further consideration.**

Mr Pinakis spoke against the Officer Recommendation.

**Mr Phil Edmands, 17A Walter Road, Claremont.**

**Re: Item 13.2.1, Heritage Schedule – Further consideration.**

Mr Edmands spoke in favour of the Officer Recommendation.

**Ms Heidi Hardisty, 12A Myera Street, Swanbourne.**

**Re: Item 13.4.2, Shenton Road Streetscape - Claremont on the Park.**

Ms Hardisty spoke against Officer Recommendation.

## **7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL.

## **8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL.

## **9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Tulloch, seconded Cr Mews**

**That the minutes of the Ordinary Meeting of Council held on 15 March 2016 be confirmed.**

**CARRIED(44/16)  
(NO DISSENT)**

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

Item 17.1.1 Easement Deed - 1/88 Davies Road Claremont.

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

NIL.

## **12 REPORTS OF COMMITTEES**

NIL.



## 13 REPORTS OF THE CEO

### 13.1 CHIEF EXECUTIVE OFFICER

*Cr Kelly declared a Financial interest in Item 13.1.1 due to being on the board of Curtin Care Inc. and left the meeting at 7:20 PM.*

#### 13.1.1 CURTIN CARE INC. – PROPOSAL FOR NEW 25 YEAR LEASE - LOT 555 COTTESLOE ('WEARNE COTTESLOE')

**File Ref:** COP/00066

**Attachments:** [CAPH Working Group meeting notes 27 January 2016](#)  
[DRAFT Agreement to Lease](#)  
[Draft Lease](#)

**Responsible Officer:** Stephen Goode  
Chief Executive Officer

**Author:** Stephen Goode  
Chief Executive Officer

**Proposed Meeting Date:** 05 April 2015

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#### **Purpose**

At the Council meeting of 20 October 2015 Council supported a new 25 year lease being granted to Curtin Care Inc for Lot 555 Cottesloe (Wearne Cottesloe) for the purposes of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis, and authorised the preparation of documentation (OCM 29 October 2015 resolution 179/15).

This report presents the Agreement to Lease and new Lease for approval.

#### **Background**

Since the early 1980's Curtin Aged Person's Home inc (or CAPH), now trading as Curtin Care, has used the Wearne Site to provide care and accommodation services for aged persons. It now provides accommodation and care for 88 people, mainly with high care needs.

Prior to being owned by the four local governments (Claremont, Cottesloe, Mosman Park and Peppermint Grove), the site was owned by the WA State Government, and administered by the Fremantle Hospital Board. In 1999, work began on having the site transferred to the four local governments, however the site didn't settle until 2009.

A Co -Ownership Agreement was signed on 2 April 2009 for the Owners to guide the ownership arrangements. The Agreement provides for establishment of a Management Committee *'for the determination or approval of matters under the Agreement.....'*. It is not clear if the Management Committee was established, but in any event it has not been active in recent years.

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The ownership of the site is a conditional tenure, under section 75 of the *Land Administration Act 1997*. The tenure provides ownership so long as the conditions on the title are met. In this instance, the title limits the use of the land to '*the provision of care, accommodation and residential facilities for aged persons and all activities and matters relating to the provision of such care, accommodation and residential facilities*'. Letters from the relevant department state that this includes the provision of a facility under the *Retirement Villages Act 1992*.

When the land was transferred to the four local governments in 2009, it was immediately leased to Curtin Care (at that time, CAPH) for a period of 20 years for nominal rent. The lease is registered on the certificate of title. In the second half of 2014, Curtin Care began its approach to the four local governments to have the land transferred to Curtin Care for nominal consideration. The Councils did not support the transfer of ownership but did indicate willingness to consider extending the term of the CAPH lease. Subsequently all owner councils have adopted resolutions to support the approval of a new lease.

The working group established with membership from each of the owner councils has held meetings on 5 August, 9 September and 7 October 2015 and on 27 January 2016. These meetings included one at which representatives of Curtin Care presented to the working group and answered follow up questions.

At the January meeting the working group considered a Draft Agreement to Lease and a Draft Lease. The working group also considered suggestions and requests from Curtin Care. The Claremont CEO was authorised to work with McLeods to finalise the documentation. (refer attachment 1 Meeting Notes).

### Discussion

The range of issues considered by the working group ranged from drafting (proof reading) issues easily remedied to matters of significance.

### Table of significant issues Agreement to Lease

Clause	Issue	Outcome
Definitions	Definition of Redevelopment Project to reflect the stated intention of CAPH to undertake staged development to a stated value of \$80million	Redrafted
4.9	Agreed Master Plan to show the entire concept, anticipated scheduling of future stages	Redrafted
Various	Establishing the Lessors' representative so that the process of working together and any approvals are not unnecessarily complex.	Activate the Co-Ownership Management Committee: this is discussed further in the report.
7.1, 7.2 Lease/ 22	Clarifying ownership of the buildings, in particular to make it clear the councils are not directly involved in the development	Redrafted

**Table of significant issues Lease**

Clause	Issue	Outcome
30.1	To prohibit lodgement of any caveat (by CC) and for registration of lease at Landgate by CC.	Redrafted
17.2	To clarify that Manager will be an incorporated entity.	Redrafted
17.4	'End of Lease' concerns by CC – relates to the lessee having entered into 'lease for life agreements' which may run beyond the lease term.	Discussed in report
New	CC requested an opportunity for a further term after the 25 years of the new lease.	Working Group agreed there should be a provision to allow a new lease term at the end of the Lease: >conditional upon CAPH having undertaken the redevelopment project within the Term, unless there has been agreement with the Lessor >A clause to provide for a period of notice by the Lessee of its intention to seek an extended term, or not to do so.
New	Lease to exclude any use of the land which will involve the Commercial Tenancy Act.	Discussed in report

The working group approved discussions between the Claremont CEO and CAPH Chairman to finalise the provisions of the Lease subject to confirmation by McLeods that changes do not prejudice the interests of the Owners. Most of the matters recorded in the 27 January 2016 meeting notes have been discussed, reviewed by McLeods and the documentation has been amended by Mcleods. The remaining issues to highlight are:

- End of lease provision
- Commercial (Retail) Tenancy Act
- Co-Ownership Management Committee.

End of Lease

Clause 17.4 of the Lease has provisions requiring approval by the Lessor for any occupancy or tenancy for any term which is longer than the term of the lease. It specifically requires this for 'lease or license for life' agreements. The Lessor may impose conditions if approving any agreement which extends beyond the term of the Lease.

Note also that the Lease now has a provision (Clause 46) which allows for one further term. The clause requires that the Redevelopment Project Works have been completed as a condition of being eligible for the new term.

Commercial Tenancy (retail Shops) Agreements Act 1985

McLeods has assessed the implications of the Act and advised as follows –

*In relation to the definition of ‘Commercial Facilities’ and the operation of the Commercial Tenancy (Retail Shops) Agreements Act 1985 (CTA), if the ‘Commercial Facilities’ comprise a large portion of the Premises or if the volume of retail sales or income derived from those parts of the Premises are comparatively larger than the use of the Premises for aged care and residential accommodation, the Lease may be caught by the operation of the CTA. From the information provided, it is our initial view that the Lease would not be caught by the operation of the CTA as the use of the Premises is not wholly or predominantly for the carrying on of a retail business. If this is not the case, please let us know.*

The Lease provisions allow commercial uses if the Lessor is reasonably satisfied that they are ancillary to the Permitted Purpose. This will ensure they can be kept to a reasonable extent and not ever be comparatively greater than the primary use of the premises. CAPH has indicated the proposed uses to be pharmacy, cafe, newsagent, hairdresser and similar. All of these are complementary to the permitted use and should not be a concern having regards to McLeods advice.

Co-Ownership Management Committee

There are various matters in the documentation which require the Lessee to satisfy conditions to the satisfaction of the Lessor. The initial proposal by McLeods was that the CEO of one local government be authorised for most purposes and beyond that the councils would have to be involved. Over the term of the Agreement and the Lease there are likely to a number of relatively minor matters which need approvals. Attempting to deal with such matters through the formal process of four councils is potentially time consuming and unwieldy.

The working group recommended that the Councils convene the Co-Ownership Committee. This was based on an Agreement signed on 2 April 2009 for the Owners to guide the ownership arrangements. The Agreement provides for establishment of a Management Committee *‘for the determination or approval of matters under the Agreement.....’*. It is not clear if the Management Committee was properly established, but a legal agreement exists between the four councils to form a management committee, appoint a representative from each council and for the committee to make binding decisions on behalf of the owners within the following powers:

- (a) control, direct and manage the property;
- (b) make and give any determination, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease; and
- (c) delegate to any person (including a Participant) any of the above rights, authorities, powers and discretions.

The Co-ownership Agreement and management committee appeared to offer a formal way for matters to be dealt with efficiently in which the Councils could formally delegate the same powers to be extended to the Agreement to Lease and the New Lease.

Unfortunately the provisions of the Agreement were drafted without proper consideration of the *Local Government Act 1995*. Discussion with Neil Douglas of McLeods confirms that there is no provision which allows four councils to establish a joint committee and no capacity to delegate to a committee which is not a committee of the (individual) council.

After further discussion it was also confirmed that the only mechanism with legal validity to achieve an effective way to manage issues in the Agreement to Lease and the Lease is through delegation by each Council to its Chief Executive Officer. The delegation can be general or have limitations. The report recommends this delegation to the Chief Executive Officers of the four co-owners with only matters of material importance to be referred to the Councils for decision.

## Past Resolutions

### OCM 20 October 2015 resolution 179/15

#### *Council*

1. *Supports a 25 year lease being granted to Curtin Care Inc for Lot 87 Gibney Street Cottesloe for the purposes of the provision of care, accommodation and residential facilities for aged persons and all activities relating to the provision of such care, accommodation and residential facilities on a not for profit basis.*
2. *Authorises the CEO of Town of Claremont to facilitate the preparation of the agreement to lease, and the lease which is to commence from practical completion, the legal costs of which to be shared equally between the local government owners.*

### OCM 05 May 2015 resolution 75/15: matter referred for further options.

OCM 02 June 2015 resolution 102/15: agreement to be part of working group.

## Financial and Staff Implications

Legal costs have been incurred to prepare the proposed lease and legal agreement. The working group proposed that the Owners accept the legal costs and that they be shared equally by the Owners and this was accepted by Council (OCM 179/15). Costs for preparation of the Agreement and lease will be in the order of \$10,000.

## Policy and Statutory Implications

Section 3.58 of the *Local Government Act 1995*:

S3.58(1) provides the meaning of disposal of land includes 'to sell, lease, or otherwise dispose of, whether absolutely or not.'

S3.58(3) permits property to be disposed of other than by public tender or public auction

'A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned; and
  - (ii) giving details of the proposed disposition; and

- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.'

Disposal of property may be designated as a major land transaction and if so S3.59 of the Act requires that a business plan providing an assessment of the land transaction is prepared and advertised. Whether this section applies or not is based on the value of the land transaction.

Section 3.59(1) defines major land transaction

**'major land transaction'** means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition'

Legal advice has been obtained from McLeods which confirms that for the purposes of the definition of 'major land transaction' in section 3.59(1) of the *Local Government Act 1995*, it is necessary to consider the **actual** 'consideration under the transaction' – not, for example, a notional consideration based on a valuation.

Therefore, if the proposed transaction is a lease for a peppercorn rent to a non profit organisation, it would be the peppercorn rent that would be relevant for the purposes of section 3.59, not the rent that could have been charged if the property had been rented to a commercial entity.

If the working group recommendation to lease the land to Curtin Care for a nominal rent (say \$1 per annum payable on demand) there will not be a requirement to prepare and advertise a business plan.

The *Local Government Act 1995* Section 5.42 allows Council to delegate powers to the Chief Executive Officer, other than some powers which are excluded by the legislation (Section 5.43). The Council may delegate the powers and duties proposed by this report.

### **Communication / Consultation**

Various meetings have been held with representatives of Curtin Care during the past 12 months. Meetings between the four affected local governments have also been undertaken.

The working group with membership from each of the owner councils has had meetings on 5 August, 9 September and 7 October 2015, and 29 January 2016. The

Chairman for Curtin Care, Mr. David Cox and Deputy Chair, Mr. Michael Jones, attended the meeting of 9 September and made a presentation to the working group

The Claremont CEO has had several meetings and conversations with Mr David Cox of Curtin Care.

### **Publicity**

Local public notice of proposal to dispose of the property pursuant to Section 3.58 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.

### **Urgency**

Curtin Care Inc. needs a determination by the owners to allow the planned redevelopment to proceed.

### **Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Moved Cr Haynes, seconded Cr Wood**

### **That Council**

1. **Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3);**
2. **Authorises the Mayor and Chief Executive Officer to execute the documents on behalf of Town of Claremont following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;**
3. **Authorises the Chief Executive Officer in conjunction with the Shire of Peppermint Grove and Towns of Cottesloe and Mosman Park to give local public notice of the proposal to dispose of lot 555 in accordance with the Section 3.58 of the *Local Government Act 1995*;**
4.
  - (a) **Pursuant to Section 5.42 of the *Local Government Act 1995* delegates to the Chief Executive Officer the duty, power and authority to, in consultation with the CEOs of the co-owners:**
    - (i) **make and give any determination required by the Lease of lot 555 on behalf of the Lessor, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease (but this power does not include statutory powers of the Town of Cottesloe); and**

- (ii) all matters relating to the Agreement to Lease of lot 555 to Curtin Care.
- (b) In exercising this delegation of authority the Chief Executive Officer shall not make a determination if:
  - (i) the CEO believes the matter for decision is a material change to the terms and conditions of the Lease or Agreement to Lease, or
  - (ii) the majority of the other co - owner Chief Executive Officers do not agree to exercise their delegated authority.
- (c) If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(b)) the CEO must report the matter to the Council for decision.

**CARRIED BY AN ABSOLUTE MAJORITY(45/16)  
(NO DISSENT)**

*Cr Kelly returned to the Chambers at 7:24 PM*



## 13.2 PLANNING AND DEVELOPMENT

### 13.2.1 HERITAGE SCHEDULE – FURTHER CONSIDERATION

<b>File Ref:</b>	<b>DAB/00027</b>
<b>Attachments - Public:</b>	<a href="#"><u>Ronald Bodycoat Report</u></a> <a href="#"><u>Heritage Planning Legislation</u></a>
<b>Attachments - Restricted:</b>	<a href="#"><u>Submission</u></a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Odhran O'Brien</b> <b>Heritage Officer</b>  <b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>5 April 2016</b>
<b>Enabling Legislation:</b>	<b>Town Planning Scheme No. 3 (TPS3)</b> <b><i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i></b> <b>Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015)</b>

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#### Summary

- At its meeting held on 7 July 2015, Council adopted the updated Schedule of Historic and Other Buildings and Places 2015 (Heritage Schedule), attached to the Town Planning Scheme No. 3.
  - This report was withdrawn from Council's meeting on 15 March 2016 due to concerns raised by affected owners relating to the notification period provided.
  - Properties at 16 Hammond Road, 17A Walter Street and 34 Servetus Street were deferred for referral to Council's Peer Review Panel for further consideration and a recommendation.
  - The Showgrounds of the Royal Agricultural Society of Western Australia (RAS) was also referred back to the Planning Department pending further advice.
  - Peer Review Panel sessions for 16 Hammond Road, 17A Walter Street and 34 Servetus Street were held on 6 November and 1 December 2015, and 12 February 2016. The Panel has recommended that all three places be retained on the Heritage Schedule, however their management categories be revised from Category B to Category C – one of which is considered of a lower order (17A Walter Street).
  - The implications of reclassification are limited to providing greater planning flexibility applied when determining an application. However with 17A Walter Street, the lower order C classification would open the possibility of total removal if the owner applied for development approval to demolish and removal of the listing in accordance with Council Policy.
  - 17A Walter Street is part of a duplex with a common roof. The recommended reclassification of 17A will also affect 17B Walter Street.
-

- In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs), the owner of 17B has been consulted and has raised concerns that the reclassification may raise the potential for extensions and redevelopment which may affect their side of the duplex and cause inconvenience to tenants. The concerns have been discussed with both owners. The property could be developed in accordance with the RDC and Council's Policies relating to character retention and heritage protection despite the classification of B or C. These Policies would ensure a suitable design outcome to protect the streetscape and ensure the design complements the other half of the duplex. The *Strata Titles Act* also provides protection for the other owner. It is therefore recommended that 17B Walter Street also be reclassified as Category C, acknowledging its lower order status.
  - Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015) provides design guidelines for dealing with applications for development of heritage properties, inclusive of requirements to be satisfied in the consideration of extensions and alterations, including removal and delisting.
  - It is recommended that the Town undertake a detailed assessment of the buildings at the RAS Showgrounds in consultation with their administration.
  - There are a number of minor alterations now required to the Heritage Schedule as a result of changes to the deemed provisions included within the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regs) and the subsequent update of the Town Planning Scheme No. 3 (TPS3). These include renaming the Heritage Schedule the Heritage List. Further, the Heritage List now includes reference to the interior of heritage listed places.
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### **Purpose**

For Council to consider:

- The Peer Review Panel's recommendation to include 16 Hammond Road, 17A (and B) Walter Street and 34 Servetus Street on the Heritage List as Category C listings.
- Renaming the 'Heritage Schedule' the 'Heritage List' and inserting a reference to the interior of heritage places.
- Undertaking a detailed assessment of the heritage significance of the buildings contained within the RAS Showgrounds.

### **Background**

Section 45 of the *Heritage of Western Australia Act 1990* (Heritage Act) states that:

- (1) *A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be –
  - (a) *updated annually; and*
  - (b) *reviewed every 4 years after compilation.*

The Town adopted its first Municipal Inventory (MI) of locally significant heritage buildings and places in 1992 in accordance with (2) above. The MI has been updated regularly since 1992 and a comprehensive review commenced in 2010 which

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resulted in the adoption of the Town of Claremont Local Government Inventory 2014 (LGI).

The Heritage Schedule was previously required to be updated in accordance with cl.78 of TPS3. Clause 78 has now been replaced by Part 3 – Heritage protection of the deemed provisions of the LPS Regs (see attached). Essentially the new planning legislation maintains a consistent approach to heritage matters, with the exception that the internal features of building require more detailed examination and referencing within the heritage listing. In addition, a minor change to nomenclature is made, referencing the “Heritage Schedule” as the “Heritage List”.

Clauses 25(3) and 79 of TPS3, which are the prime protective provisions for heritage buildings under the Scheme, are retained as follows:

25. DEVELOPMENT GENERALLY:

- (3) *No person shall, unless the consent of the Council is obtained, demolish any building, structure or part thereof that is listed in the Schedule referred to under Clause 78 (now LPS Regs deemed provision 8) of Council’s Town Planning Scheme or is listed on Council’s Heritage Survey undertaken in November 1991 and as amended from time to time. Council may refuse to grant planning approval to any application to demolish any building listed in the Schedule referred to under Clause 78 (now LPS Regs deemed provision 8) of Council’s Town Planning Scheme or Council’s Heritage Survey as amended from time to time which has been identified in that survey as a place which has high intrinsic architectural merit, to be an outstanding example of its kind, to be of historical significance or to substantially contribute to the streetscape.*

79 PRESERVATION OF HISTORIC AND OTHER BUILDINGS, OBJECTS AND PLACES:

- (1) *Where any development involves an alteration to, or the destruction, total or partial of a building, object or place which is:*
- (a) *entered in the Schedule;*
  - (b) *included by the Australian Heritage Commission in the Register of the National Estate;*
  - (c) *included in the National Heritage Register;*

*the Council before determining that application may give notice thereof to the National Trust of Australia (WA), the Australian Heritage Commission and such other bodies or persons as the Council thinks fit.*

- (2) *In determining an application referred to in sub Clause (1) of this Clause the Council shall have regard to any submissions made to the Council with respect to the preservation of the building, object or place involved in that application.*

**Past Resolution**

Ordinary Council Meeting, 7 July 2015, Resolution 117/15:

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*That Council:*

- 1 Advise those who made submissions on the Draft Town of Claremont Schedule of Historic and Other Buildings and Places of the comments contained in the attached submissions table, modified to address part 2 below.
- 2 Adopt the Town of Claremont Schedule of Historic and Other Buildings and Places 2015 (attached) under Clause 78 of Town Planning Scheme No. 3, with exception of 34 Servetus Street, 16 Hammond Road and 17A Walter Street, which are to be further reviewed by Council's Peer Review Panel, and the Royal Agricultural Society WA Showgrounds, which will be subject of a further report back to Council for consideration.

*Reason: To allow Council to consider submissions received today from the owner of 34 Servetus Street and the Royal Agricultural Society of WA's solicitor, to provide for the Peer Review Panel to review the listing proposals for 34 Servetus Street and for both matters to be referred back to Council for further consideration by adding these properties to part 2 of the recommendation and deleting part 3.*

CARRIED  
(NO DISSENT)

This report was scheduled to be considered by Council on 15 March 2016, however due to notification period concerns raised by the affected owners, the report was withdrawn to allow owners time to discuss the matters raised in the report with Elected Members.

## **Discussion**

### Peer Review Panel

Peer Review Panel sessions were convened for the purpose of reviewing the recommendations for 16 Hammond Road, 17A Walter Street and 34 Servetus Street which were deferred from Council's resolution to adopt the Town of Claremont Local Government Inventory (LGI) and Heritage Schedule on 7 July 2015. The former Chairperson of the Panel, Associate Professor Patric de Villiers has taken a new position with the State Administrative Tribunal (SAT) and was unable to continue his services. He has been replaced with Brian Hunt who is a Senior Sessional Member at SAT. Phillip Griffiths (Member of the Heritage Council of Western Australia) and Dr John Taylor (a consulting architect to the Town) have continued as members of the Panel. The owners have again been invited to be represented by their own heritage consultant or to represent themselves at the panel sessions.

The Panel was required to assess the property against the criteria set out in the State Heritage Office's *Criteria for the Assessment of Local Heritage Places and Areas: A Practical Guide to Identifying, Grading and Documenting Places and Areas in Local Government Inventories*. This is a working document for assessing the heritage of a place based on the heritage values outlined in the *Heritage of Western Australia Act 1990, State Planning Policy 3.5 and Burra Charter 2013*.

The heritage advice received by the Town from John Taylor Architects, the owner's submissions and the recommendations of the Panel are included in the following:

### **16 Hammond Road, Claremont**

#### John Taylor Architects' Report

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The 2014 report titled *Review of 16 Places in the Draft Town of Claremont Heritage Inventory* was produced by John Taylor Architects. The report was commissioned by the Town in order to gain an independent consideration of the heritage value of properties for which detailed submissions were made during the consultation process for the draft LGI. The report recommended that the heritage management category for the property be changed from a Category B listing to a Category C listing and this was supported by the Heritage Officer when the Heritage Schedule was referred to Council on 7 July 2015. The report continues to form the basis of the Planning Department's recommendation to include the property on the Heritage Schedule and was referenced through the course of the Panel session. The report included the following comments:

*16 Hammond Street, an Inter-War California Bungalow style residence, has aesthetic value in its presentation and provision of homogeneity to the streetscape on the south side of Hammond Road. The place has minor local social value through association with various owners. The design of the place incorporates some Arts and Craft influences, and is a good (but not outstanding) example of the Inter War period of development – it is clearly identifiable. The era and style of residence contributes to the community's sense of place.*

*The place has been well-maintained, and despite the apparent modification of the original core of the house by a large-scale rear extension (that follows original detailing), fits well within the streetscape, with similar-era residences at 8, 10 and 12 Hammond Road.*

*Recommendation: modify from Category B status noted in Town of Claremont draft Heritage Inventory to Category C status.*

#### Peer Review Panel Recommendation

Viewed and considered by the Peer Review Panel consisting of Brian Hunt (Chair), Philip Griffiths and John Taylor (Expert members) and property owner George Pinakis on 6 November, 2015.

*It is recommended that this property should remain on the Municipal Heritage Inventory [currently the LGI] and be given a management category of C for the following reasons:*

- The expansive original single storey corner residence typifies the Inter-War California Bungalow style. The place demonstrates the prosperity of the period emerging from the Depression.
- The dwelling is a fine example of an Inter-War California Bungalow with Arts and Crafts influences demonstrated by the chimney central on the prominent front wall.
- The residence has aesthetic value in its presentation and provision of homogeneity to the streetscape both on the south side of Hammond Road and to adjoining portions of George Avenue.
- The era and style of residence contributes to the community's sense of place.

- The place has been well maintained, and despite the apparent modification of the original core of the house by a large-scale extension (that follows original detailing), fits well within the streetscape, with similar era residences at 4, 8, 12, 18 Hammond Road and 5, 9, 11 George Avenue.

*It is to be noted that the heritage experts Philip Griffiths and John Taylor were in agreement that the place should remain on the Municipal Heritage Inventory and that management category C was appropriate. The Peer Review Panel would, however, regard the portion of the building added to the original dwelling as having little cultural significance.*

Owner's Comments (made during the review of the LGI)

*I am writing to each of you personally to stress how strongly we feel about our objection to the nomination.*

*We have resided at 16 Hammond Rd for approximately 28 years and during this time there has been at least one of these listing procedures.*

*At that time the council did not see fit or find any reason to include our property on any register nor in fact any of the other pre-war houses in our general area.*

*In the last round of nominations that I recall, I know of at least one property that was listed as a heritage colonial when in fact it was a house of the same vintage as ours which was rendered, had a tin roof and veranda fitted. Your planners don't always get it right.*

*It should be noted that most of the other houses of our vintage have since been demolished to make way for new dwellings. This type of Architecture is cramped, dark & by degrees either hot or cold (spec home circa 1944) and does not have the more generous proportions of the Nedlands Californian Bungalow which were built on much larger blocks and are therefore more sustainable.*

*It is interesting to note that in Hammond Rd, George Ave & Goldsworthy Rd there are similar properties which have failed to be nominated or listed for preservation, making ours the only property of this type in the new schedule. We see this as a discriminatory move and feel that your original selection committee has mistaken the additions (1990) which afford the house greater street presence as original.*

*I have spoken with Odhran O'Brien from the Council who was not involved in the original selection procedure and has no idea why no other similar properties are included.*

*We recently had the property valued; this was done over the phone by a local agent who was neither interested in inspection or even finding out what it offered in the way of accommodation as its only value is in the land it sits on. A classification of this type would make the property worthless. Who would purchase a property when they have no right to do with it as they want.*

*Your planners have advised that the council is very flexible in the amount and type of modification allowed but to what extent remains to be tested. The original house comprises small lounge room, smaller dining room, 2 bedrooms & sleep-out (these rooms being inter connected). This layout makes modification extremely difficult without basically demolishing the property.*

*The tile roof is coming up for replacement with valleys rusting & tiles fretting due to constant roof traffic caused by the necessity to keep roof clear of both pine needles &*

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*plane tree leaves from the verge trees. It was planned to replace roof with colorbond but now we are not even sure if that would be allowed given that it could detract from "arts & crafts period" designation afforded it.*

*The nomination says that the property is indicative of a more prosperous era after the depression, this is certainly not evident in the construction which is in constant need of maintenance.*

*I could go on but all I can do is object to a proposed listing, feeling it is discriminatory given this is the only property chosen and the fact that we have much to lose from a preservation order.*

*Should the listing be applied I trust the council will offer compensation for the hardship it will cause perhaps by means of an increased density rating.*

*Listing of one random property in 3 streets does nothing for heritage or promoting a heritage feel for the area, but rather alienates that property from its environment, which is predominantly comprised of modern dwellings.*

*I urge you to vote NO to this nomination.*

*Thanking you in anticipation of your understanding.*

#### Officer comments

As outlined above, the owner has requested that 16 Hammond Road not be included based on the argument that it is not a good representative example of its architectural style and that he feels that other worthy examples have been omitted from the list within the immediate area surrounding his property. The Peer Review Panel has recommended that the listing be revised from a Category B to a Category C. In the course of the discussion on the day of the Panel session it was also recommended that other properties in Hammond Road be reviewed in detail during the next review of the LGI and Heritage Schedule.

#### **17(A) Walter Street, Claremont**

##### John Taylor Architects' Report

The 2014 report titled *Review of 16 Places in the Draft Town of Claremont Heritage Inventory* was produced by John Taylor Architects. The report was commissioned by the Town in order to gain an independent consideration of the heritage value of properties for which detailed submissions were made during the consultation process of the LGI. The report recommended that 17 Walter Street be retained on the LGI within the Walter Street Heritage Area as a place of 'some contribution' and this was supported by the Heritage Officer when the Heritage Schedule was referred to Council on 7 July 2015. The report continues to form the basis of the Planning Department's recommendation to include the property on the Heritage Schedule and was referenced through the course of the Panel session. The report included the following comments:

*17 Walter Street, an Inter-War California Bungalow style residence built c.1940, has aesthetic value in its presentation and provision of homogeneity to the streetscape on the west side of Walter Street. The place is a fair example of the Inter War period of development – it is clearly identifiable. The era and style of residence contributes to the community's sense of place.*

*In the Town of Claremont Heritage Inventory 2012 (Draft) this place is a component of 'Walter Street Heritage Area', comprising residences on both sides of the gently rising street, predominantly of the Federation era, but with some diversity illustrated by a number of later more austere designs fitting comfortably within the streetscape. 17 Walter Street is assessed as making 'Some Contribution' to the heritage area.*

*The major value identified is that the streetscape has a high degree of cohesiveness and aesthetic appeal. The Federation era residences, in particular, display picturesque qualities in refinement of timber and decorative detailing and interesting compositions in roof forms and elevations. Of single-storey form, with a similar street alignment to the remainder of the places in the Heritage Area, 17 Walter Street is of uncomplicated design style.*

*Conclusion: It is acknowledged that the Statement of Significance for the Heritage Area includes places of both the Federation and the Inter-War period, 'demonstrating the similarities and differences as the styles intersect'. 17 Walter Street is a fair example of the Inter-War California Bungalow style. Although of a later time period than the majority of the Federation building stock in the defined heritage area, it makes some contribution to the streetscape, having a [stepped] single-storey form.*

*The common residential function, similar street alignment and single-storey form are qualities that contribute to the pattern, character and consistency of the Walter Street Heritage Area.*

*The loss of 17 Walter Street could potentially have considerable impact on the cohesiveness of the Heritage Area.*

*Recommendation: Retain 17 Walter Street in Town of Claremont HI 'Walter Street Heritage Area' as making 'Some Contribution' but note that discretion may be applied in redevelopment proposals and existing residential character should be respected.*

#### Peer Review Panel Recommendation

Viewed and considered by the Peer Review Panel consisting of Brian Hunt (Chair), Philip Griffiths and John Taylor (expert members) and Philip Edmands (property owner).

*It is recommended that this property and the duplex pair 17(A and B) Walter Street should remain on the Municipal Heritage Inventory and be given a management category of C (lower order) for the following reasons:*

- The dwelling is an Inter-War California Bungalow style duplex residence built c. 1940.
- In the Town of Claremont Heritage Inventory 2012 this place is a component of the 'Walter Street Heritage Area' comprising residences on both sides of the gently rising street, predominantly of the Federation era, but with some diversity illustrated by a number of later more austere designs fitting comfortably with the streetscape. 17 Walter Street is assessed as making 'some contribution' to the heritage area.
- 17 Walter Street is a fair example of the Inter-War Californian Bungalow style and although of a later time period than the majority of the Federation building stock in the defined heritage area, it makes some contribution to the streetscape having a (stepped) single-storey form.



- The heritage experts Philip Griffiths and John Taylor were in agreement that the place made 'some contribution' and that place should remain on the Municipal Heritage Inventory and that a Level C Management Category is appropriate, however the Peer Review Panel regarded its heritage value at the lower end of Category C.

### Owner's Comments

*Your letter seems to advise of the proposed Area inclusion in the town planning scheme, but as a separate matter seems to indicate that the Heritage Schedule will have to be updated to refer to my property as being located within the Area for heritage listing of my property to be finalised. I have been advised that the latter issue will come up for consideration next year.*

*In any event this submission records my views which I seek be taken into account at the appropriate juncture.*

*I have already written to Council about the issue of listing of my Property by letter dated 19 September 2014. In that letter - which annexed a supporting opinion from Ronald Bodycoat - I argued against any form of listing of the Property.*

*In this letter I wish to reiterate that objection, and make the point that I object to any process that will formalise, or assist in formalising, any such listing. Consequently, to the extent that the proposal referred to in your most recent letter does this, I seek excision of the Property from the Area and that no steps occur in relation to the Property that advances its listing. To the extent that positive steps can be taken to remove the Property from any heritage inventory or proposed heritage inventory I seek that this occur.*

*To support my opposition to any form of heritage listing of the Property I repeat the points made in my earlier submission, and make the following further submissions addressing the Criteria for the Assessment of Local Heritage Places published by State Heritage Office:*

1. *Is the property significant in exhibiting particular aesthetic characteristics?*

*No. Ronald Bodycoat's opinion supports the proposition that there is no aesthetic value in the property - which is also evident from the submitted photo and the fact that this is a nondescript 1950's two bedroom duplex. From the front all that can be seen is a door, simple verandah, window and roller garage door - in any event obscured by an added carport. The SHO publication states that:*

*'In the case of a heritage area, the individual components will collectively form a streetscape, townscape or cultural environment with significant aesthetic characteristics.'*

*Here the duplex is actually completely different to the other properties in the area. They are typically early Federation style bungalows that are large, on large landholdings and with significant heritage features. The duplex is quite inconsistent with those heritage characteristics.*

*The SHO Publication goes on to say that a property will generally be excluded if it has only a loose association with creative or artistic excellence or achievement. Here the Property has no such association at all.*

2. *Is the Property significant in the pattern or evolution of the history of the local district?*

*No, indeed quite the opposite. As the Ron Bodycoat report identifies this duplex is non-conforming in the area. It is atypical of the history and buildings in the area, and it is neither important stylistically nor as a matter of rarity.*

3. *Does the Property have a demonstrable potential to yield information that will contribute to an understanding of the natural or cultural history of the local district?*

*Clearly no. It is atypical of that cultural history, has nothing to say about the local natural history, and is not a rare example within the locality of Claremont. It is a simple 1950's duplex.*

4. *Is the Property Significant in demonstrating a high degree of technical innovation or achievement?*

*Again clearly no. It is of particularly simple and common construction.*

5. *Is the Property significant through association with a community or cultural group in the Local district for social, cultural, educational or spiritual reasons?*

*Again clearly no. This criterion would apply say to a significant church and is not relevant here.*

6. *Does the Property demonstrate rare, uncommon or endangered aspects of the cultural heritage of the local district?*

*Again clearly no. The property is atypical (non-conforming), it is not rare and it is not distinctive.*

7. *Is the Property significant in demonstrating the characteristics of a class of cultural places or environments in the local district?*

*No, it does not demonstrate the characteristics of a class of cultural places or environments in the local district. It is non-conforming and atypical of the properties in its precinct in every way- style, age, features, block size, house scale, house type etc. There are many other 1950's duplexes in Claremont more broadly and this one is neither significant nor rare.*

8. *Does the Property demonstrates a unified or cohesive physical form in the public realm with an identifiable aesthetic, historic or social theme associated with a particular period or periods of development?*

*Again self-evidently no. It is out of step with any such theme in its precinct and again, as Ronald Bodycoat has observed, it is neither stylistically exceptional nor important for any aspect of rarity.*

*So in summary there is absolutely no basis for the heritage listing of the Property or its inclusion in any register or town planning scheme. I would be grateful if these matters could be taken into account at the appropriate point and that the property not be included in, and where already included dropped from, any Nominated Heritage Area, listing, register or town planning scheme.*

Please refer to Ronald Bodycoat's attached report on 17A Walter Street, Claremont.

#### Officer comments

As outlined in the submission above, the owner's position was that the place should not be included as a place of significance in the Walter Street Heritage Area. The substantive component of the owner's argument was that the place was not a good

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representative example of its architectural style and it made minimal contribution to the heritage area. The Panel's expert members recommended that the place be retained in the LGI as a lower order 'C'. As with other lower order Category C properties that were identified under this review, processes have now been put into place in Council's Local Planning Policy 2/2015 Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015) for consideration of substantial alteration and possible removal of the heritage place pending satisfaction of Council's Policy requirements.

It is noted that this property forms part of a duplex pair with a common roof structure and accordingly, the recommended revision to the category listing will impact on the other half of the building. The listing is for the whole of the property being 17 Walter Street. Should Council support the recommendation of the Peer Review Panel to reclassify the property as Category C, this will also impact on the other property owner. As required by deemed provision 8(3) of the LPS Regs, any modification to the heritage listing is to be consulted with the affected owner (17B).

The owner has been contacted in accordance with the LPS Regs and has raised concerns that the reclassification may raise the potential for extensions and redevelopment which may affect their side of the duplex and cause inconvenience to tenants. The concerns have been discussed with both owners. The owner of 17A has no plans for demolition or total redevelopment, although this cannot be discounted as a potential result at some future stage or if the property is sold. The property could be developed in accordance with the RDC and Council's Policies relating to character retention and heritage protection despite the classification of B or C. These Policies would ensure a suitable design outcome to protect the streetscape and ensure the design complements the other half of the duplex. *The Strata Titles Act* also provides protection for the other owner in terms of ensuring the owners reach a mutual agreement on the development and if not, disagreement can be addressed by the State Administrative Tribunal.

It is therefore recommended that 17B Walter Street also be reclassified as Category C, acknowledging its lower order status.

### **34 Servetus Street, Claremont**

#### Peer Review Panel Recommendation

Viewed and considered on 12th of February 2016 by the Peer Review Panel consisting of Brian Hunt (Chair), Philip Griffiths and John Taylor (expert members) and Julie and Gerry Barker (property owners).

*It is recommended that this property should remain on the Municipal Heritage Inventory and be changed from a management category "B" to "C" for the following reasons:*

- Constructed in 1919, the place has significance for its character as an Inter War (c.1915-c.1940) Bungalow which substantially retains original Federation period (c.1890-c.1915) style and details.
- The place contributes to the social history of the locality and to the community's sense of place as an example of a single storied Federation Bungalow.

- The place has some significance as a surviving place demonstrating the initial residential subdivision and development of the locality.
- 34 Servetus Street has significance as part of a larger cluster of places in the area which illustrate residential development in the locality during the “Consolidation” and “Inter-war” periods.
- Whilst there have been modifications to the building such as a rear addition, replaced fencing, a bitumen paved carpark, replaced roof covering, a concrete verandah floor, painted brickwork and an enclosed section of the verandah, the authenticity of the place is moderate to high.
- The heritage experts Philip Griffiths and John Taylor were in agreement that the place has cultural heritage significance and should remain on the Municipal Heritage Inventory and that a level “C” Management Category is appropriate.
- They consider that while this classification may appear inconsistent in the immediate area, it did represent a consistency across the broader municipality.
- The owners (Julie and Gerry Barker) expressed support for heritage buildings but did not support an MHI listing, as they considered this had adverse commercial consequences.

#### Owner’s Comments

*We are writing in response to your letter of 10 November 2014 regarding the Heritage significance of our property.*

*We believe that the inclusion of our property on this list will have negative consequences in terms of market value and market attractiveness and as such, we object to it being on the list. Furthermore, we do not believe we have ever been notified of the significance of its listing – the last we knew was that it was ‘of interest’ (an inclusion we did not mind, due to the mildness of its meaning) but we did not know it had been elevated in its heritage status and we object to this also.*

*There are several other properties in Servetus Street – mainly in the lower part of the street which we believe have far more heritage significance than this property (or at least equal to) and I note that you have no others from the street included (other than 32 and 34), an omission we find strange and for which an explanation would be of interest to us.*

*We personally are happy to retain the look of the home, however should we decide to sell, the inclusion of this property on your Heritage Schedule would be a negative to any prospective buyer and unless the council is willing to offer compensation for this, we believe our property should be excluded.*

*Please consider this email as a formal written response and objection to your proposal as requested in your letter.*

#### Officer comments

It is noted that the owner’s did not engage a heritage consultant for their Peer Review Panel representation and the substantive part of their argument was that the heritage listing would reduce the value of their property. However, property valuation is not included in the criteria for the assessment of locally significant places set out by the State Heritage Office. Section 6.4 of the *State Planning Policy 3.5 Historic Heritage*

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*Conservation* also makes clear that the main consideration in listing a place as significant is as follows: 'The inclusion or exclusion of places from a heritage list should be based on their degree of historic heritage significance, supported by the findings in the inventory...'

34 Servetus Street was listed on the LGI some years prior to 2007 as a place of potential heritage significance. In 2007, a detailed heritage report was completed on the place and it was upgraded from 'potentially significant' to 'significant'. In 2014 following the most recent review of the LGI, and the introduction of management categories within it, it was recommended by the heritage consultants undertaking the review that the place be attributed a Category B status in line with comparable places within the Town. The Panel has revised the listing and the expert members recommended a Category C listing. As with the review of 16 Hammond Road above, the owner has pointed to other properties in the immediate locality which are not listed, and accordingly it is considered appropriate that other properties be considered for inclusion in the LGI and Heritage Schedule in the next review.

### Category Listing

The category listings provide Council and officers with guidance when assessing individual applications against TPS3 provisions (including the new deemed provisions adopted under the LPS Regs) and other relevant Council policies.

Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015) provides design guidelines for dealing with applications for development. For Category B & C places the Town is primarily concerned with conservation of the exterior of the property as it presents to the street and of significant interior heritage features. This does not exclude modernisation of kitchen and bathroom facilities or prevent modern extensions.

Each development application involving heritage properties is dealt with on its individual merits. However, in general for Category C heritage places (which are of lower heritage significance than Category A and Category B places), there will be greater planning flexibility applied when determining an application. For example less stringent conditions on the reinstatement of original features may allow similar materials to be used instead of 'like for like', or the removal of significant heritage fabric not visible from the primary street may be allowed.

In exceptional circumstances the Town may allow a substantial alteration of a Category C place. In these cases a development approval may impose conditions which require interpretation of the place or submission of an Archival Record.

In some circumstances, such as where an application for development approval for a new building requires removal of an existing heritage building, or where an owner lodges a request for the removal of a heritage listing, the Town may require further heritage assessment of a place to be undertaken at the applicant's expense. In these circumstances the application may be referred to a Peer Review Panel to assist in determining the proposal affecting a Category C heritage place. Where a Category C listing has been recognised by the Town's Peer Review Panel as a lower order Category C property, LPP 2/2015 provides specific guidelines and procedures for consideration of removal and delisting of the property.

### Royal Agricultural Society (RAS) Showgrounds

The inclusion of the RAS Showgrounds as a Heritage Area in the Heritage Schedule was deferred at the 7 July 2015 Ordinary Council Meeting pending further legal advice. The legal advice indicates that if Council consider the Showgrounds “to be of architectural, historical or townscape value” as outlined in Clause 78(7) of TPS3, then it may enter the Showgrounds on the Heritage Schedule.

The RAS objected to both being included in the Town’s LGI and its Heritage Schedule. The RAS maintain that the entry of the Showgrounds is not consistent with Section 45(1) of the *Heritage of Western Australia Act 1990*. They have previously suggested that the place record should be limited to just buildings with very minimal curtilage, which is inconsistent with the best practice of heritage management. Further, the place record for the Showgrounds outlines the levels of significance associated with the buildings on the site. The social and historical significance of the site within the local community is also an important consideration of the listing.

The RAS referred its concerns about the nomination process for including the grounds in the LGI to the Ombudsman of Western Australia. The Ombudsman subsequently investigated the referral and contacted the Town on 16 January 2016 with notification of its decision that no further action was required.

In February 2016, the Town met with consultants engaged by the RAS to discuss the proposed concept plan it has created for the potential redevelopment of the site. Discussions with the consultant indicate that the plan recognises the buildings within the site that have a higher level of significance. Given the cultural and social heritage of the Showgrounds, any future development should be subject to a comprehensive assessment of the buildings and the site to determine their levels of significance. This process would help identify buildings and site attributes worthy of retention and assist in the development of a cultural heritage interpretation plan to be recognised and implemented in future development concepts for the site, and also help identify areas for appropriate redevelopment sympathetic to the heritage values of the place. In order to undertake the required assessment, the Town needs to work in cooperation with the RAS.

In order to progress this matter and finalise the current review of the Heritage Schedule, there are two options available to Council:

- a) Include the Heritage Area in the Heritage Schedule with a note requiring comprehensive assessment of the buildings on site and preparation of an interpretation plan before redevelopment takes place on the site.
- b) Invite the RAS to participate in a comprehensive review of the buildings on site to establish those required for long term protection and inclusion in a cultural heritage interpretation plan.

Essentially both options require cooperation of the RAS in order for an assessment team to gain access to the site and undertake the required assessment. Rather than include the listing in the Heritage Schedule at this point, it is considered desirable to engage with the RAS to undertake this assessment and work cooperatively together to prepare interpretation plans to guide future reviews of the redevelopment Concept Plan for the Showgrounds. It is apparent from the complaint lodged with the Ombudsman that RAS is concerned that inclusion of the site in the Heritage

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Schedule will have significant impact on the Concept Plan for redevelopment of the site. Accordingly, working proactively with the RAS to undertake the comprehensive review of the buildings for inclusion in a cultural heritage interpretation plan within a limited time frame (before the end of the 2015/16 financial year) is the recommended option.

It is noted that since 15 March 2016 (when the previous report scheduled for Council consideration was withdrawn), preliminary discussions have been held with the CEO of the RAS and their heritage consultant (Ronald Bodycoat) with the view of progressing towards a cooperative approach to this matter.

Deemed Provisions - Planning and Development (Local Planning Schemes) Regulations 2015

In October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) took effect. The LPS Regs include deemed provisions which overwrite the TPS3 provisions and update requirements relative to heritage places and areas. The deemed provisions make specific reference to the interior of a heritage place. Full consideration of the interiors of heritage places will need to be addressed in the next review of the Town's LGI and Heritage Schedule. In the intervening time, it is recommended that a statement be included as a preface to the Heritage Schedule stating that: *'all interiors of heritage places are considered significant unless otherwise specified'*. This will ensure that a comprehensive assessment of interior spaces can be undertaken at any time should an owner wish to redevelop their property in the intervening period before formal assessment. This modification is a clarification of the extent of the current listings and as a consequence it is not considered necessary to consult with landowners at this time.

It is also noted that the LPS Regs renames the "Heritage Schedule" as the "Heritage List". Accordingly, the new name is to be formally recognised in the following recommendation.

### **Voting Requirements**

Simple majority decision of Council required.

*The Mayor agreed to a request to consider point 2 separately.*

### **Moved Cr Tulloch, seconded Cr Browne**

#### **That Council:**

- 1) **Council rename the Heritage Schedule adopted under Clause 78 of Town Planning Scheme No. 3 on 7 July 2015, as the Heritage List in accordance with Part 3 of the deemed provisions adopted under the *Planning and Development (Local planning Schemes) Regulations 2015*.**
  - 3) **Invite the Royal Agricultural Society of Western Australia to participate in a formal assessment of the Showgrounds for detailed inclusion on the Heritage List attached to Town Planning Scheme No. 3 as a Heritage Area and formulation of a cultural heritage interpretation plan for the site. The review is to be completed by the end of June 2016, or this matter is to be referred back to Council for reconsideration of other options on conclusion of this period.**
  - 4) **Include an introductory statement within the Heritage List stating:**
-

**‘All interiors of heritage places are considered significant unless otherwise specified’.**

#### **MOTION TO DEFER**

**Moved Cr Browne, seconded Cr Wood**

**That part 4 of the motion be deferred.**

Reason: Further clarification on the implications of placing this statement within the Heritage List.

**CARRIED(46/16)  
(NO DISSENT)**

#### **THE MOTION WAS PUT**

**That Council:**

- 1) Council rename the Heritage Schedule adopted under Clause 78 of Town Planning Scheme No. 3 on 7 July 2015, as the Heritage List in accordance with Part 3 of the deemed provisions adopted under the *Planning and Development (Local planning Schemes) Regulations 2015*.**
- 3) Invite the Royal Agricultural Society of Western Australia to participate in a formal assessment of the Showgrounds for detailed inclusion on the Heritage List attached to Town Planning Scheme No. 3 as a Heritage Area and formulation of a cultural heritage interpretation plan for the site. The review is to be completed by the end of June 2016, or this matter is to be referred back to Council for reconsideration of other options on conclusion of this period.**

**CARRIED(47/16)  
(NO DISSENT)**

**Moved Cr Haynes, seconded Cr Wood**

- 2) Include 16 Hammond Road, 34 Servetus Street and 17 Walter Road Claremont on the Heritage List attached to Town Planning Scheme No. 3 as Category C listed places, acknowledging that 17 Walter has a lower order classification within the C Category, and advise the owners of these properties of the revised Heritage Listings.**

#### **MOTION TO DEFER**

**Moved Cr Wood, seconded Cr Goetze**

**That part 2 of the motion be deferred.**

Reason: To clarify the current heritage status of these properties.

**CARRIED(48/16)**

For the Motion to Defer: Mayor Barker and Crs Haynes, Edwards, Goetze, Wood  
Against the Motion to Defer: Crs Tulloch, Mews, and Browne.



**13.2.2 PROPOSED HERITAGE MAINTENANCE GRANTS POLICY LV130**

<b>File Ref:</b>	<b>DAB/00142</b>
<b>Attachments:</b>	<a href="#">Draft Council Policy LV130 - Heritage Maintenance Grants Policy</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Jo Harris</b> <b>Heritage Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 April 2016</b>

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**Purpose**

For Council to consider the adoption of draft Council Policy LV130 - Heritage Maintenance Grants Policy.

**Background**

The Town's heritage policy LV124 Retention of Heritage Places, Heritage Areas and Heritage Precincts and associated Local Planning Policy 2/2015 Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015) was reviewed in 2015 to respond to changes to the Town's Local Government Inventory (LGI) and the Heritage Schedule (to be known as the Heritage List) and to reflect current heritage and planning practice and legislation.

LPP 2/2015 provides for Council to extend a suite of planning, non-financial and financial incentives to owners of places on the Town's LGI and Town Planning Scheme No. 3 Heritage List to assist with the conservation of these places.

Financial assistance incentives provided for in LPP 2/2015 include the Town's biennial Civic Design Awards, which extends a rate rebate equal to the minimum 'general rate' of the financial year to each category winner, and a Maintenance Grant program. LPP 2/2015 states that each year Council will consider an annual budget allocation for the purpose of the grant that will assist owners to properly maintain their heritage place.

Proposed Council Policy LV130 provides the framework to enable Council to establish and administer a Heritage Maintenance Grant program consistent with that outlined within LPP 2/2015.

**Past Resolution**

Ordinary Council Meeting 1 September 2015, Resolution No. 154/15:

- To adopt draft Council Policy LV124 – Retention of Heritage Places, Heritage Areas and Heritage Precincts and Local Planning Policy 2/2015 Retention of Heritage Places, Heritage Areas and Heritage Precincts for public consultation under clause 82(2) of TPS3.*
  - Consider any submissions made during the consultation period prior to final adoption of the policies.*
-

Ordinary Council Meeting 3 November 2015, Resolution No. 195/15:

1. *To adopt Council Policy LV124 – Retention of Heritage Places, Heritage Areas and Heritage Precincts and the revisions to Local Planning Policy 2/2015 Retention of Heritage Places, Heritage Areas and Heritage Precincts under clause 82(2) of Town Planning Scheme No. 3, modified to include two changes to Table 2 and the inclusion of the section Planning Applications for Individual Heritage Places as detailed in this report.*

### **Discussion**

Heritage conservation is widely recognised as being a public benefit and identified heritage assets are a valued community asset. The Town has worked through its Town Planning Scheme No. 3 provisions relative to the Heritage List and associated Local Planning Policies to facilitate the conservation of those places that have been identified as being of heritage significance to the Town.

The State Heritage Office advises local governments to consider the extension of planning and financial incentives to encourage and assist the owners of heritage places with conservation of their heritage places. However, currently there are only seven Councils within Western Australia known to provide financial assistance to owners of heritage listed places.

The adoption of a Heritage Maintenance Grants Policy and subsequent implementation of a grant program will see the Town of Claremont further consolidate its commitment to the conservation of the Town's heritage assets. Such a program will extend and complement the current suite of incentives offered by the Town to owners of places included on the Town's Heritage List. Other incentives include the Town's biennial Civic Design Awards, access to free heritage advice, and planning incentives that allow for consideration of bonus densities in particular instances.

Draft Council Policy LV130 aims to assist owners of private dwellings on the Town's Heritage List to maintain their heritage place and, in particular, to conserve significant heritage fabric. The Heritage Maintenance Grants program will provide owners with access to grants to assist fund approved works.

The program will provide owners with access to an annual fund offering matched funding grants of between \$1,000 and \$5,000. A total allocation of funding from this program to any one place will be capped in perpetuity at \$10,000.

Funding will not be available for retrospective works or for any works required by a repair or works order issued by the Town, or by the Minister for Heritage under the Heritage of Western Australia Act 1990. All works will be required to be completed within six months of the allocation of the grant.

A list of Eligible Works is included within the draft Council Policy LV130, with the emphasis on works that will help conserve significant heritage fabric. In general, funded works will be for repair or reinstatement of external fabric in order to stabilise a place and/or protect it from weather damage, such that its heritage significance will be conserved. A list of works which are considered not eligible for the grant is also provided.

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### Assessment

Applications for funding will be assessed for eligibility and considered against the following essential and desirable criteria:

Essential criteria:

- compliance with the objectives of Council Policy LV124 and Local Planning Policy 2/2015 - Retention of Heritage Places, Heritage Areas and Heritage Precincts
- compliance with the purpose of the Heritage Maintenance Grants Policy
- compliance with a Conservation Management Plan (where applicable)
- project design and achievability, budget rigour and value-for-money
- demonstrated need for assistance
- significance of the place
- demonstrated need for work
- other funding received or sought
- overall benefit to the place or streetscape.

Desirable criteria:

- the heritage place is in a street, heritage area or heritage precinct that is identified by the Town's heritage officer or the Council as requiring revitalisation or enhancement
- the project facilitates the activation of a heritage place.

Applicants will be required to obtain all necessary Development Approvals and Building Permits from the Town.

### Determination

Applications for funding will be assessed on an ongoing basis throughout the year until funding is exhausted. Due to the ongoing nature of the application process it is proposed that the power to consider applications for grant allocation be exercised under Council's delegation DA22 Determination of Planning Related Matters. As with other delegations on planning matters, Council will be advised on the details of each application received, compliance with the Policy and a recommendation on whether to approve the application (or not). Elected Members will have the capacity to "call in" the application for full Council consideration if required in accordance with the delegation.

### **Financial and Staff Implications**

The annual allocation for the purpose of the Heritage Maintenance Grant program will be determined by Council in the adoption of the annual budget.

The annual funding will be available from 1 July each year and allocated on a first-come, first-served basis until exhausted. It is intended that surplus funds will be

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rolled over into the following year's budget to assist in building a fund which has the capacity to respond to applications as they arise.

### **Staff Implications**

It is proposed that consideration of grant applications and administration of the funding will be absorbed into the operations of the Planning and Development department.

### **Policy and Statutory Implications**

The purpose of draft Council Policy LV130 Heritage Maintenance Grant Policy is consistent with Town of Claremont Policy LV124 and LPP 2.2015.

LPP 2/2015 provides for the extension of planning and financial incentives to owners of places on the Town's Local Government Inventory and Town Planning Scheme No. 3 Heritage Schedule (List) and specifically provides for the adoption of a Heritage Maintenance Grants program.

The draft Policy is an administrative Policy of the Council and is not required to undergo public consultation procedures outlined for a Local Planning Policy in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **Urgency**

On approval, Policy LV130 and the Heritage Maintenance Grants program will be launched at the Town's Civic Design Awards on 10 May, 2016.

### **Voting Requirements**

Simple Majority Decision Of Council Required.

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

**That Council adopt LV130 – Heritage Maintenance Grants Policy for administration of the Heritage Maintenance Grants Program and to encourage and assist the owners of heritage places within the Town of Claremont to conserve and protect their heritage places as valuable townscape assets.**

**CARRIED(49/16)  
(NO DISSENT)**

### 13.3 CORPORATE AND GOVERNANCE

#### 13.3.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 29 FEBRUARY 2016

<b>File Ref:</b>	<b>FIM/0062-02</b>
<b>Attachments:</b>	<a href="#">Statement of Financial Activity for period ending 29 FEBRUARY 2016</a> <a href="#">Infrastructure Assets – 2015-16 Schedule of Works</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Hitesh Hans</b> <b>Finance Manager</b>
<b>Proposed Meeting Date:</b>	<b>05 April 2016</b>

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#### **Purpose**

For Council to note the Statement of Financial Activity for the month ending 29 February 2016.

#### **Background**

The Monthly Financial Report (MFR) for the month ending 29 February 2016 is presented in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

#### **Discussion**

The MFR presents the financial performance of the Town's operations to 29 February 2016. The performance is reported against the year to date projections as revised and adopted by Council on 16 February 2016 following the mid-year review its 2015-16 Budget.

#### Operating revenue - \$193,035 above budget

- Fees & Charges - \$120,421 above budget mainly due to increased fines and penalties revenue (\$64K) and aquatic centre admission and hire fees (\$79K). We anticipate \$30k of the increased fines income will become permanent (based on receipts for the last three months of last year) and will be reviewed further as year-end projections are refined as part of the 2016-17 budget preparations. The aquatic centre income is expected to normalise over the remaining cooler months.
- Interest Earning - \$76,262 above budget due timing and higher interest income derived by better cash management and increased cash holdings.

#### Operating expenditure - \$513,192 below budget

- Materials and Contracts - \$437,819 due to timing differences across all business units with the more significant variances within;

- Infrastructure - \$239K (roads, footpath, sweeping-cleaning—lighting repair of street, street tree, verge maintenance, plant operations and administration services)
- Special projects - \$26K (way finding signage)
- Planning and Heritage services - \$21K
- Claremont Now - \$50K
- Ranger's Services - \$37K (line marking, graffiti removal, Notice IT support).
- Employee Costs - \$48,492 under budget due to timing OSH (\$9K), Superannuation (\$30K) and staff salary.
- Utilities Charges - \$35,300 due to timing variance.

#### Capital expenditure – \$41,015 under budget

As detailed within the capital works schedules, the capital expenditure comprises;

- (\$70,664) over budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$23,293 under budget on land, building, plant and equipment capital expenditure due to timing. Note 10 of Attachment 1 provides a breakdown of these items.
- \$88,386 under budget on transfers to reserves due to timing of interest income on reserve investment.

#### Capital income - \$4,849 under budget

- \$4,849 minor variance is due to the timing of the non-operating grants.

#### Summary

The closing surplus of \$7,749,794 is comparing favourably against the budgeted surplus of \$6,995,226. The total variance currently remains large (\$754,566), however it is comprised primarily of timing differences which will be addressed as projects and programs are completed in the lead up to the end of the year. No further adjustments to those recognised during the mid-year review have been identified.

#### **Past Resolutions**

Ordinary Council Meeting 15 March 2016, Resolution 38/16:

*That Council note the Financial Statement of Activity for the period 1 July 2015 to 31 January 2016.*

#### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

#### **Policy and Statutory Implications**

*Local Government Act 1995.*

*Local Government (Financial Management) Regulations 1996.*

**Publicity**

N/A

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

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

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

**Urgency**

N/A

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Wood**

**That Council notes the Financial Statement of Activity for the period 1 July 2015 to 29 February 2016.**

**CARRIED(50/16)  
(NO DISSENT)**

## 13.4 INFRASTRUCTURE

### 13.4.1 RESURFACING OF FRESHWATER PARADE

<b>File Ref:</b>	<b>RDS/00204</b>
<b>Attachments:</b>	<a href="#">AMP Roads</a> <a href="#">2012 Roman II Spreadsheet</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Margaret Brophy</b> <b>Asset Technical Services Officer</b>
<b>Proposed Meeting Date:</b>	<b>05 April 2016</b>

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#### **Purpose**

For the Council to consider the petition from the residents of Freshwater Parade regarding road resurfacing Freshwater Parade.

#### **Background**

All roads within the Town were assessed in 2012, utilising the following method:

The works were initially triggered using the Works Selection Tool (WST) in the Road Management System Software (ROMAN II). Triggering was based either on cracking, localised surface defects, patching or rutting.

Works were then prioritised using an index based on asphalt condition, cracking, patches, local surface defects and rutting. This also identified those sites that didn't trigger on an individual defect type, but had a high combination of defects.

Officers then applied a traffic weighting based on the number of heavy vehicles to allow heavily-trafficked roads to gain higher priority. This was based on actual Claremont traffic count data where known, with estimates applied to road hierarchy where there was no count data.

The index used for prioritisation uses a series of formulae but it is broadly based on:

- Asphalt Condition
- Cracking
- Defects.
- with Traffic Weighting.

The eligibility for external funding is also factored into the road works programme. In the 2012 survey 172 road sections were identified and of these 38 roads were assessed as having no defects. Since then 45 roads have been resurfaced.

#### **Discussion**

Freshwater Parade from Park Lane to the cul de sac was last surfaced in 1958 and from Park Lane to Stirling Highway in 1986. Due to its estimated age together with its

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condition it does qualify for resurfacing but due to the low traffic volume south of Park Lane and the condition in 2012 north of Park Lane it does not have a high treatment priority by comparison to the condition and traffic of other roads within the Town.

Due to resident request Freshwater Parade was investigated for resurfacing next financial year by comparing it with other roads in the network which also have severe cracking. The roads selected for the 2016-17 programme in addition to crack seal repairs also have failure of the seal at the kerb, surface degradation and pothole repairs.

An example of a road in worse condition is Park Lane where there are potholes, much closer cracking, and degradation of the seal at intersections.

A condition report on the road network will be undertaken in 2016-17 and recommendations in that will be used to set the forward works programme.

### **Past Resolutions**

Ordinary Council Meeting 1 March 2016, Resolution 26/16:

*That the petition be received for action by the Chief Executive Officer.*

*CARRIED  
(NO DISSENT)*

### **Financial and Staff Implications**

The cost of resurfacing Freshwater Parade comprising 3,255m<sup>2</sup> from Stirling Highway to the cul de sac is \$169,260 with kerbing an additional \$41,000 totalling \$210,260.

### **Policy and Statutory Implications**

The Asset Management Plan for Roads specifies the criteria for programmed works and has been approved by Council. It is possible to modify the programme by deferring works where there is to be development or to promote works where there is external funding or cost efficiencies. It is not equitable to prioritise those residents who make submissions to Council without assessing their request within the criteria set in the asset management plan and by comparison to other roads within the network.

### **Communication / Consultation**

A reply will be sent to the residents via the lead petitioner regarding 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.

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

### **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.
- Maintain long term financial stability and growth.
- Provide responsive and responsible leadership.

### **Urgency**

NIL

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Goetze, seconded Cr Haynes**

#### **That Council**

- 1. Reaffirms the Roads Asset Management Plan incorporating the methodology for forward works programming.**
- 2. Reaffirms programming of roads based on condition assessment.**
- 3. Supports resurfacing of Freshwater Parade when programmed.**
- 4. Informs the residents (via the lead petitioner) of the Council decision.**

**CARRIED(51/16)**

For the Motion: Mayor Barker and Crs Tulloch, Haynes, Edwards, Main, Browne, Mews, Wood, and Kelly.

Against the Motion: Cr Goetze.

**13.4.2 SHENTON ROAD STREETScape - CLAREMONT ON THE PARK**

**File Ref:** RDS00242-02

**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure

**Attachments:** [Current Claremont NEP Design Guidelines](#)  
[Planting Palette for Claremont on the Park](#)  
[Shenton Road Stage 3 - Marked up plan](#)  
[Stage 3 Final Landscape Plan for approval](#)  
[Street Tree Masterplan](#)

**Author:** Andrew Head  
Manager Parks and Environment

**Proposed Meeting Date:** 5 April 2016

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**Purpose**

To seek retrospective approval on street tree species selection for Shenton Road as part of the North East Precinct (NEP) - 'Claremont on the Park' (COTP) development.

**Background**

Concern has been raised over the use of London Plane trees along Shenton Road as it does not follow the Street Tree Masterplan. This report aims to clarify the background leading to decisions made by the Town on the landscaping details.

Structure Plan and Design Guidelines

At the OCM of 18 December 2012 a report regarding variations to the structure plan, detailed area plans and design guidelines of the NEP/COTP was approved subject to a number of conditions. These included some regarding the landscape design being to the satisfaction of the Chief Executive Officer which can be seen below under past resolutions. The Design Guidelines include a Landscaping Concept Masterplan on page 39 – the plan includes comments on use of deciduous trees and (although no legend is provided), shows a conceptual form for planting in the NEP, inclusive of screening plants alongside the railway and street trees along Shenton Road.

Planting Palette

The planting palette provided more details for trees and shrubs to be planted at the NEP/COP development to guide the final landscaping plan and fill in details not included in the Landscaping Concept Masterplan of the Design Guidelines.

Street Tree Masterplan

On the 3 September 2013 Council adopted the Draft Town of Claremont Street Tree Masterplan 2013. In Shenton Road the proposed species between Graylands and Davies Road was not identified or specified due to the comment within the plan that the NEP development will remove the old Shenton Road. Resolutions following public consultation can be seen UNDER 'Past Resolutions'.

Draft Landscape Plan

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Landscape Plans for the NEP/COTP were received by the Town in August 2014 which showed a total of eighty three London Plane trees on both sides of the newly aligned Shenton Road, between Graylands and Davies Roads.

#### Final Landscape Plan

Updated landscape plan was received by the Town in February 2015.

### **Discussion**

#### Structure Plan and Design Guidelines

During public consultation for the Structure Plan and Design Guidelines in November 2012 it was found that 13% (86) public submissions related to the loss of trees on the site. They related to the potential loss of existing trees, including the Norfolk Island pines, both in terms of amenity/character and associated environmental values/impacts (Loss of biodiversity, urban heat island effect etc).

#### Draft Landscape Plan

Officers negotiated the replacement of a number of the originally proposed trees with 59 WA Peppermint and 24 London Plane. (In regards to the London Plane trees, the modifications to the Shenton Road/Davies Road intersection resulted in an increase in 6 London Planes installed in the Median islands totalling 89 trees).

#### Approved Landscape Plan

The plans received by the Town indicated the replacement of 59 London Plane trees originally intended for the rail reserve next to the Principle Shared Path (PSP) with WA Peppermint which is in keeping with the WESROC greening plan, which includes planting the rail corridor with local native species.

#### Street Tree Masterplan

During public consultation for the Street Tree Masterplan, it is acknowledged that there was a strong desire amongst some members of the community to use more native trees - and even use them exclusively – due to amongst other things, the fauna they support.

Australian trees have been used in the plan where they are already a strong theme and/or where they can be used without compromising the essential selection criteria. The most dominant of these species is WA Peppermint but the plan also includes some Tuart, Jarrah, Paperbark, Sugar Gum, WA Red Flowering Gum, Lemon scented Gum, Bottlebrush and Narrow Leafed Peppermint. It should be noted that the Town also plants thousands of Australian native trees and shrubs annually in areas such as Lake Claremont Parkland, McKenzie Bushland, the rail reserve verges, car park surrounds and other areas.

On Shenton Road the species selection between Davies to Graylands Road was not indicated in the Masterplan, whereas for the remainder of Shenton Road heading west WA Peppermint is the selected species.

A couple of considerations when selecting street tree species have been taken from the Masterplan and shown below. The environment within the NEP/COTP

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development area is significantly different to the residential section of Shenton Road and a number of considerations were included in the decision making process.

#### *Deciduous v Evergreen*

*This decision needs to be made early in the process and once made will eliminate many species from further consideration. Deciduous trees are often preferred in urban situations as they allow plenty of sunlight into the street in winter. Streets with large evergreen trees can become dark in winter and the constant dripping of water off the leaves long after a shower has passed can be very annoying for pedestrians. There can also be a problem with slippery algae/moss growth on pavements beneath evergreen trees in winter due to the lack of sunlight reaching the ground.*

NEP/COTP will have large numbers of pedestrians moving around it due to being designed as a transport orientated development and being located between the showgrounds and Claremont town centre. The building heights will impact winter sun and deciduous trees are more suited to allow sunlight into the streetscape and improve passive solar design for the adjoining apartment buildings.

#### *Damage to Infrastructure*

*The roots of any reasonably large tree in an urban environment will almost inevitably cause some damage to infrastructure eventually. It is a question of minimising the damage, where possible. This can be done to some extent by installing root control systems at the time of planting but ultimately it comes down to species selection.*

#### *Drought Tolerance*

*An urban street is typically characterised by a lot of paved surfaces which are virtually impervious to water and oxygen. The proposed tree's root system needs to be able to thrive in this artificial environment if the tree is to sustain itself over the long-term. Some species meet this requirement but cause unacceptable infrastructure damage (e.g. ficus) and are therefore not suitable.*

Paved surfaces in urban streetscapes (as opposed to suburban) such as in the NEP are far greater due to wide footpaths for the increased density and parking embayment's which leaves little room for root structure. Some species of tree don't cope with paved surfaces surrounding them.

#### *Scale*

*There is a need in most streets to create a more human scale if the street is to be a pleasant place. This usually requires the creation of a degree of enclosure which can be provided by street trees.*

Building heights are significantly greater in the NEP/COTP development which increase shadowing and force some species of trees to search for light which can produce a weaker structure.

### *Form/Growth Habit*

*London Plane* are a large upright growing species which is both suitable in medians (e.g. Bayview Terrace, Goldsworthy Road) and next to parking areas (e.g. Claremont Court, Church Lane) without impacting visibility of traffic signals and sight lines. *WA Peppermint* do not have the desired form or habit to achieve long term retention.

Ambient temperatures under large deciduous trees are lower than under evergreen species due to the transpiration (leaf moisture loss) rates. This also assists with reducing the urban heat island effect. Smaller trees in this scale of streetscape will provide little benefit to cooling the urban environment, softening the large concrete building forms, pollution and noise production.

When taking into consideration all of the points above it is better to use a large deciduous tree in this section of Shenton Road which will provide a pleasant pedestrian friendly environment both in Summer and Winter.

### December 2012 Council Report on Structure Plan and Design Guidelines

The report to Council on 18 December 2012 (Council resolution detailed below) indicated the following in relation to landscaping matters:

*The Landscaping Plan proposes the following elements:*

- *Shenton Road / Railway Buffer - Melaleuca and Callistemon consistent with the native theme for the rail corridor adopted by the western suburb Councils.*
- *Shenton Road / Graylands Road - mixed Eucalyptus rudis and E. maculata.*
- *Davies Road east - Supplementary Norfolk Island Pines to build on existing streetscape.*
- *Oval perimeter – fast growing Pyrus / Populus sp.*
- *Durack Mews towards PCYC – Pyrus sp. and Eucalyptus maculata.*
- *Public Open Space links – Fraxinus and Eucalyptus rudis.*

*The Landscaping Plan has been reviewed by Council's Parks and Environment Services and Infrastructure Services. Some of the selected planting is not considered suitable to the site. The Landscaping Plan is however supported with the following changes:*

- *Driveway on POS link to be relocated to the northern road frontage of Lot 509 and POS landscaping to be redesigned to provide for pedestrian movement with additional planting.*
  - *The paving and landscaping proposed for the corner of Durack Way adjacent the oval to be designed to accommodate emergency and parking access to the oval.*
  - *Details to be provided on play equipment.*
  - *Demountable netting to be shown behind goals on oval.*
  - *High quality paving details to be provided (e.g. Absolute Stone (Granite) and/or Urban Stone.*
  - *Paving treatments / materials / colours for street parking bays in Davies Road.*
  - *Graylands Road planting substituted with large deciduous trees (e.g. London Plane Trees).*
  - *Link road (south of PCYC) planting substituted with large deciduous trees (e.g. London Plane Trees).*
  - *POS Link planting substituted with deciduous trees.*
-

*Upon satisfactory resubmission of a revised Landscaping Plan to address the above matters, it is proposed that the plan be incorporated into the Design Guidelines.*

Once the detailed landscape plans were received and reviewed by the Town, some other changes were made, inclusive of details for the intersection at Davies Road which was modified to include traffic signals, which created opportunities for additional trees to be included.

Officers applied the delegation to include the following modifications to improve the final landscape outcomes:

- Wider median Islands in Shenton Road and Davies Road planted with low growing native species to compliment the verge treatments throughout the development and six London Plane street trees (five in Shenton Road and one in Davies Road).
- Planting of 24 London Plane street trees in the landscaping nibs between parking embayment on both sides of Shenton Road. The previously selected Melaleuca and Callistemon were not considered suitable as a street tree due to their lower scale relative to future larger buildings, form and growth habits (including their significant root structure and weeping structural form), inappropriate canopy and impacts on solar passive design for adjacent buildings and pedestrian path.
- WA Peppermint trees on the rail reserve to address concerns about damage to the PSP, kerbs and road caused by previously approved Melaleuca root systems and the inappropriate growth habits of Callistemon relating to clearances for bicycles on the PSP. (LandCorp proposed 59 London Plane along the rail corridor however these were changed over to WA Peppermint in keeping with the WESROC greening plan).

At that time the modified landscape plan should have come back to Council for final approval, this did not occur.

### **Past Resolutions**

Ordinary Council Meeting 3 September 2013, Resolution 263/13:

*That Council*

1. *Adopt the Draft Town of Claremont Street Tree Master Plan 2013 with the following modifications:*
  - *Bernard St – change from London Plane to Liquidambar.*
  - *Dunbar St – change from London Plane to Poinciana.*
  - *Princess Rd – change from London Plane to Poinciana.*
  - *Australind St – change from Liquidambar to Poinciana.*
  - *Mengler Ave – change from Peppermint to Jacaranda*
  - *Davies Rd (east side) – change from Liquidambar to Narrow Leafed Peppermint (Eucalyptus nicholii).*
  - *Barnfield Rd – change from WA Red Flowering Gum (Corymbia ficifolia) to Jarrah (Eucalyptus marginata).*

*CARRIED*

Ordinary Council Meeting 19 March 2013, Resolution 48/13:

*That Council*

- a) *Approves advertising of the draft Town of Claremont Street Tree Master Plan 2013 for public comment for a period of three weeks in April/ May 2013; and*
- b) *Administration report back to Council by July 2013 with comments received from public on the draft Town of Claremont Street Tree Master Plan 2013 including any recommended changes.*

**CARRIED**

Ordinary Council Meeting 18 December 2012, Resolution 249/12:

*That Council resolve to finally adopt the Design Guidelines dated 15 August 2012 for the Claremont North East Precinct as Council Planning Policy pursuant to clause 82(2) of Town Planning Scheme No. 3 subject to the following modifications to the satisfaction of the Chief Executive Officer:*

- f) *Under 6.1 Landscape Design, insert a detailed Landscaping Plan which addresses the following matters to the satisfaction of the Chief Executive Officer:*
  - (i) *Retention of the two existing Norfolk Island Pines, two Washington (Cotton) Palms and two Canary Island (Date) Palms at the intersection of Davies and Shenton Roads and creation of Public Open Space.*
  - (ii) *Note that the retention of the above Norfolk Island Pines be subject to a detailed arborcultural report. Development Controls are to indicate that details on the proposed finished ground levels are to be provided to establish whether modification of ground levels for the site will have an impact on the surface root structures. Any encroachment into the Tree Protection Zone will require careful management by a qualified arborist, both in terms of actual work and ongoing care.*
  - (iii) *Should the retention of the Norfolk Island Pines at this intersection not prove feasible following arborcultural assessment, the area of Public Open Space may be reduced to the satisfaction of Council.*
  - (iv) *Note that the Washington (Cotton) Palms may be removed subject to replacement with two Canary Island (Date) Palms to complement the two other Date Palms located closer to the intersection and be maintain in the reduced area of Public Open Space.*
  - (v) *Note that if necessary the two existing two Canary Island (Date) Palms may be relocated within this area of Public Open Space to*



*ensure the Tree Protection Zones are not impacted detrimentally as a result of roads or service works.*

- (vi) The existing Norfolk Island Pines along Davies Road are to be retained and protected. Development Controls are to indicate that notwithstanding the encroachment of potential building works into the Tree Protection Zones, controlled building works (under guidance of an arborist) and ongoing management is required while the trees re-establish their root structures to allow the best opportunity for these trees to be retained over the longer period.*
- (vii) Driveway on POS link to be relocated to the northern road frontage of Lot 509 and POS landscaping to be redesigned to provide for pedestrian movement with additional planting whilst at the same time making provision for emergency vehicle access.*
- (viii) The Coral (Flame) Trees along Shenton Road are to be pollarded by Council and relocated by the developer to the Lake Claremont Dog Exercise area.*
- (ix) The paving and landscaping proposed for the corner of Durack Way adjacent the oval to be designed to accommodate emergency and parking access to the oval.*
- (x) Details to be provided on play equipment.*
- (xi) Demountable netting to be shown behind goals on oval.*
- (xii) High quality paving details to be provided (e.g. Absolute Stone (Granite) and/or Urban Stone).*
- (xiii) Paving treatments / materials / colours for street parking bays in Davies Road.*
- (xiv) Graylands Road planting substituted with large deciduous trees (e.g. London Plane Trees).*
- (xv) Link road (south of PCYC) planting substituted with large deciduous trees (e.g. London Plane Trees).*
- (xvi) POS Link planting substituted with deciduous trees.*

**CARRIED**

### **Financial and Staff Implications**

All planting work has been done by Landcorp as part of NEP/COTP development with the approval of the Town. As the landscaping has already been installed any

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changes to the landscaping in Shenton Road would most likely be at the cost of the Town.

### Financial Impact

To maintain the status quo would have no financial cost, however in the event that a decision is made to remove any trees there would be variable costs as follows:

- Cost to remove the median trees could be requested of LandCorp, however replacement would likely be at the cost of the Town
- Cost of new trees in the medians (6) would be around \$4000 due to the need for traffic management.
- Replacement of parking nib street trees (24) would be in the order of \$12,000 and require a location for these trees to be re-planted.

### Social Impact

Removal of any tree is not popular with the general community even if it is to plant another species in the same location. This development has already had exposure in the media regarding the loss of existing trees. Consideration should be given to the reaction within the community, and the negative publicity this is likely to attract.

### Environmental Impact

Urban heat island effect is becoming a major issue in developed urban areas such as Claremont. Areas with low canopy cover can be up to six degrees hotter in peak summer which can start impacting public health during heatwaves.

Every opportunity to plant a larger canopy tree should be undertaken. This intersection is wide and predominantly made up of paved surfaces which can reflect and hold heat when not covered by tree canopy.

Transplanting advanced specimen trees comes with a level of risk. Any replanted tree requires high levels of care to re-establish the tree and ensure their long term survival.

### Supplementary Comment

A review of the attached NEP Proposed Tree Palette has identified two additional modifications to landscaping proposals which were previously endorsed by Council on 18 December 2012:

- Road One (formerly proposed Durack Mews – now approved as Tiger Way) was reported to be planted with *Pyrus sp.* and *Eucalyptus maculata* and no changes were proposed in the officer report - the Tree Palette changed these trees to *Platanus acerifolius* - Plane Trees.
- Oval perimeter was reported to be planted with fast growing *Pyrus/Populus sp.* and no changes were proposed – the Tree Palette changes these trees to *Pyrus calleryana* 'Capital' – Capital Pear and *Ulmus parvifolia* – Chinese Elm. *Populus sp.* removed and Chinese Elm added.

These additional changes have been reviewed by officers and it is considered that they represent the most appropriate tree species for the oval perimeter and Tiger Way.

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Elms have a wider shade canopy and allow improved visibility of the oval from the perimeter. *Populus sp.* is not considered appropriate around the oval or Tiger Way due to water use and weed potential. *Eucalyptus maculata* is not considered appropriate for Tiger Way as significant weed problem may result and they don't provide significant shade. It is noted that the oval perimeter has not been planted to date, however, Tiger Way has been planted with 21 Plane Trees.

It is also noted that the report proposes changes to the previously approved Melaleuca and Callistemon trees in Shenton Road. This matter requires clarification as the report to Council in 2012 was unclear about proposals for Shenton Road.

Two references were made relative to "Shenton Road / Railway Buffer" and "Shenton Road / Graylands Road", with the first being relative to Melaleuca and Callistemon and the second planted with *Eucalyptus rudis* and *E. maculata*.

For clarity, the existing Council approvals (2012) should be for Melaleuca and Callistemon trees along the Railway Buffer and *Eucalyptus rudis* and *E. maculata* along Shenton Road. These trees are not supported as the *Eucalyptus rudis* (Flooded Gum) has propensity to drop limbs, drip tannins which stain paving and vehicles, not conducive to paved surrounds and may grow higher than permitted adjacent the railway. *E. maculata* are not considered appropriate for the same reasons explained for Tiger Way.

### **Policy and Statutory Implications**

2013 Street Tree Masterplan  
NEP Structure Plan and Design Guidelines  
Local Government Act 1995 and Regulations  
Council Policy REN432 – Street Trees  
Council Policy REN433 – Tree Preservation

### **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.
- Balancing the Town's historical character with complementary, well designed development.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

## 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.*

- Implement sound environmental practices as reflected in the WESROC Climate Change Risk Assessment Project.

## Urgency

High – Practical Completion of the Stage 3 landscaping has already occurred.

## Voting Requirements

Simple majority decision of Council required.

## Moved Cr Main, seconded Cr Tulloch

*Cr Kelly left the Chambers at 7:22PM.*

*Cr Kelly returned to the Chambers at 7:23PM.*

*Cr Browne left the Chambers at 7:23PM.*

*Cr Browne returned to the Chambers at 7:24PM.*

## That Council

1. **Retrospectively approve 30 London Plane street trees along Shenton Road and 59 WA Peppermint along the north side of the rail reserve between Davies and Graylands Roads.**
2. **Retrospectively approve 21 London Plane street trees in Tiger Way.**
3. **Approve Chinese Elm and Capital Pear trees around the oval perimeter.**
4. **Update the Street Tree Masterplan to include London Plane Trees (with associated WA Peppermint trees in the adjacent rail reserve) along Shenton Road between Davies and Graylands Roads, and 21 London Plane trees in Tiger Way.**

**CARRIED(52/16)**

For the Motion: Mayor Barker and, Crs Tulloch, Goetze, Browne, Main, and Kelly.

Against the Motion: Crs Haynes, Edwards, Mews, and Wood.

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker and Councillors Tulloch, Goetze, Main, Kelly and Wood attended the Public Platform event and commended staff on its success.

Cr Haynes reported on his challenges in addressing the disclosure of gifts requirements recently amended by the State Government.

Cr Browne reported on attending the opening of 'GP on Bay View' on behalf of the Mayor.

Cr Wood reported on her attendance at the monthly gathering of the signal cabin group.

Cr Kelly commended the contribution of FORM and it's staff to the success of the Public Platform event.

**15 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15.1 NOTICE OF MOTION****15.1.1 PEDESTRIAN BARRIERS – STIRLING ROAD/CLAREMONT CRESCENT INTERSECTION**

**Moved Cr Browne, seconded Cr Haynes**

**That Council**

- **Approve installation of clamped railings pedestrian barrier at south west corner of Stirling Road /Claremont Crescent intersection**
- **Authorise unbudgeted expenditure of \$10,000 to be funded from projected 2015-16 unallocated surplus.**

Reason: Pedestrians exiting the pedestrian underpass and seeking to cross over Claremont Crescent are too close to the corner of Stirling Road and Claremont Crescent to see any cars coming through the traffic underpass and turning left.

**CARRIED(53/16)  
(NO DISSENT)**

Officer comment:

The proposed railing is not recommended for safety reasons. If a vehicle, specifically a truck, hits the railing the steel pipes will get dismantled and may seriously injure pedestrians.

Other options could be:

1. Concrete barrier – Estimated cost \$43,000
2. Steel barrier – estimated cost as above
3. Hedge – Estimated cost \$40,000 including new irrigation and water connection (scheme supply).

While it is understood that due to the current examination of road widening at the northwest corner of this intersection only the south side barrier is proposed, it is recommended for safety reasons that any treatment be applied to both sides of Claremont Crescent.

Road widening will provide a two lane approach to east bound traffic at the intersection allowing one lane to turn right and the other to turn left. For this option to be implemented, land may need to be required on the north side. Department of Planning (DP) may agree to cede this land and amalgamate it as part of the road reserve however transfer and approvals from service authorities may take some time.

Hedge treatment is recommended as this will be a sufficient barrier to direct people to go to the safe crossing point and will also be aesthetically more appealing. The water connection could be used to green the upper level of the wing wall areas too.

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

NIL

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

**MOTION TO CLOSE DOORS**

**Moved Cr Haynes, seconded Cr Edwards**

**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(s) of the Act being applicable to this matter:**

(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**CARRIED(54/16)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 9:28PM.*

*Mayor Barker reconvened the meeting at 9:29PM.*

**ATTENDANCE**

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Jill Goetze**

**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 Saba Kirupananthar (Executive Manager Infrastructure)**

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

**Ms Katie Bovell (Governance Officer)**



**17.1 CORPORATE AND GOVERNANCE****17.1.1 EASEMENT DEED - 1/88 DAVIES ROAD CLAREMONT**

**File Ref:** A-1244  
**Attachments:** [Sketch](#)  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Peter Scasserra  
Coordinator Property and Leasing  
**Proposed Meeting Date:** 05 April 2016

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The following item was considered in closed session.

**OFFICER RECOMMENDATION**

Moved Cr Haynes, seconded Cr Kelly

That the report remain confidential in accordance with Section 5.23(2)(d) of the *Local Government Act 1995*.

CARRIED(55/16)  
(NO DISSENT)

**MOTION TO OPEN DOORS**

Moved Cr Haynes, seconded Cr Kelly

That the doors be opened.

CARRIED(56/16)  
(NO DISSENT)

*The doors opened at 9:29PM.*

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

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, 19 April 2016 at 7:00PM.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 9:29PM.

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

**PRESIDING MEMBER**