



MINUTES

Ordinary Council Meeting Tuesday, 3 September 2019

Date: Tuesday, 3 September 2019

Time: 7:00pm

**Location: Town of Claremont
Claremont Council Chambers
308 Stirling Highway, Claremont**

**Liz Ledger
Chief Executive Officer**

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. This meeting shall be recorded for Administration purposes only.

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**MINUTES OF TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
HELD AT THE TOWN OF CLAREMONT, CLAREMONT COUNCIL CHAMBERS, 308 STIRLING
HIGHWAY, CLAREMONT
ON TUESDAY, 3 SEPTEMBER 2019 AT 7:00PM**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

His worship the Mayor, Jock Barker, welcomed members of the public, press, staff and Councillors and declared the meeting open at 7:01pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

PRESENT:

Mayor Jock Barker
Cr Peter Browne OAM, JP (Deputy Mayor)
Cr Peter Edwards
Cr Sara Franklyn
Cr Paul Kelly
Cr Kate Main
Cr Chris Mews
Cr Alastair Tulloch

IN ATTENDANCE:

Liz Ledger (Chief Executive Officer)
Les Crichton (Director Corporate and Compliance)
Andrew Smith (Director Infrastructure and Assets)
Katie Bovell (Governance Officer)

Nineteen members of the Public
Two members of the Press

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Cr Jill Goetze
Cr Bruce Haynes

3 DISCLOSURE OF INTERESTS

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE - CATHY GREATREX, FRESHWATER BAY MUSEUM REDEVELOPMENT PROPOSED PLANS

File Number: GOV/00060, D-19-28566

Attachments: Nil

Ordinary Council Meeting 20 August 2019, Public Question Time
Ms Cathy Greatrex, 74 Victoria Avenue, Claremont.
Re: Freshwater Bay Museum Redevelopment Proposed Plans.

Question 1. Why weren't the stakeholders and ratepayers of Town of Claremont notified or consulted by the council that a boundary change to Mrs Herbert's Park was being made to the Lands Department prior to this occurring?

Answer 1. The Town had to apply for an extension as current structures were already on the Land and to undertake any development we were required to fix this past issue. As this is State owned land a part of the process includes consultation, being published in the West Australian public notices which is then open for public comment for a 4 week period, followed by the requirement for Parliamentary approval, in this case it had to pass through both Houses of Parliament.

Question 2. Why did council seek a change in Management Order to include recreation, museum, cultural centre, carpark and cafe when their only problem to be rectified was the administrative building of museum was not in the boundary of the museum

Answer 2. The Administrative building and the car park for the museum were both outside the boundary. The Town worked in consultation with the Department of Lands, Planning and Heritage and were guided by them in terms of the changes and two options were proposed.

Option 1 Amend the purpose of the Class A Reserve (picnic area) to resolve the encroachment issues and allow further development without power to lease.

Option 2 Excise a portion of the Class A Reserve (picnic area) effectively decreasing it in area, then amalgamating the excised portion with the adjoining Class B Reserve (museum area). Once amalgamated, declassify the Class B Reserve and revert the land to Class C Reserve. This allows the purpose of the Reserve to be amended as well as allow power to lease over the expanded museum area without going to Parliament, providing a less restrictive long term solution for the new Class C Reserve.

Plans with briefing notes were submitted to the Director General for approval prior to lodging the Department could lodge a submission with Parliament.

Both of the proposed options needed to go through both Houses of Parliament.

Question 3. Why did the council not show this boundary change on the plans presented to the notified ratepayers to view, and why were the plans not shown in context to the river?

Answer 3. Plans were not provided in context to the river, just elevations. The same plans that were provided to residents were also provided to the Department of Biodiversity, Conservation and Attractions (given its proximity to the Swan River) and they held no concerns. The boundary changes within the reserve were subject to a Department of Lands, Planning and Heritage process that included public consultation and was not part of the process for which letters were sent to residents by the Council.

Question 4. Why did the council not show this boundary change on the plans presented to the notified ratepayers to view? And why were the plans not shown in context to the river?

Answer 4. The building elevation on the south end of the building is 8.2 metres and this height reduces as the land grade increases. This allows the toilets to be accommodated within the new building.

Question 5. Has a shadow study been done on the proposed Community Facility /Building and how will this will effect the park and the users.

Answer 5. The Town has commissioned the Project Architect to prepare perspectives from within the Park, which show both the current perspectives (view corridors) as seen from the North and East of the Park (where adjacent residents are located) as well as the comparative view corridors if the proposed Community Building was located in its proposed position.

In addition the Town has also commissioned a shadow diagram for the proposed Community Building which will be considered with respect to existing facilities in the Park.

Question 6. Given the size of Proposed Community Facility I Building that includes a function room has the council done an impact traffic management study on the impact this new community facilities will have on the area ? If not why not?

Answer 6. No, as the use of the facility is not a function room, but for temporary displays and small community talks with a maximum capacity of 50 seats. The current car park, with the opportunity to access an overflow car park (the same as current practice has been deemed to be sufficient for the purposes of this building). Further traffic management studies are not required as the purpose and function of the area is not changing and the impact to traffic movements generated by the new developments would be minimal as a proportion of overall traffic flow.

Question 7. Is the council aware that the proposed toilet block design exposes users to severe gust of wind and rain that would make opening and closing toilet doors very difficult and at times unusable?

Answer 7. The Council is aware of the location and design of the toilet block, restrictions impacting on the design and prevailing climatic and environmental issues have been considered by the architect in their design.

5 PUBLIC QUESTION TIME

Ms Cathy Greatrex, 74 Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Question 1. Will Council carry out a full consultation process of the park users and neighbours in regard to the boundary change of Mrs Herberts Park A Class Reserve Picnic only status? The answer provided to the question submitted to the 20 August 2019 meeting does not state the amalgamated exercised port will be reclassified C Class Reserve which allows a less restrictive control over the new reserve, including the power to lease.

Question 2. Does this open the way to a function centre and café by private operator?

Question 3. The answer to answer to my Question 4 submitted to the 20 August 2019 does not address the concern of the proposed new dominant building of more than 140m² and 8.2 metres high being placed in the centre of the combined museum and park site standing 11 metres overbearing the amenity of the playground and barbeque area. Can this be addressed?

Question 4. The response to question 6 from the questions submitted 20/8/169 stated the use of the facility is not a function room, however the plans clearly states it is a function room. Do you intend to change the use?

Question 5. Are the architects aware of the gale force winds mini cyclones that occur on Freshwater Bay that sweep across Mrs Herberts Park park removing trees and boats from the moorings? How does the are the use of the toilets by attendees to the community facility in these circumstances when all the doors to the toilets are exposed to these circumstances?

Question 6. Will the increase in people cause a higher probability of accidents on an already dangerous bend on Victoria Ave, Claremont? Should the Council do an impact traffic management study before proceeding with the community facility?

Answers: The Mayor took all questions on notice.

Mr James Latto, 70 Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Question 1. Why did the Town of Claremont apply to the State Government to annex 0.4759 hectares, that is 1.175 acres, of an A Class Reserve, park of the land known as Mrs Herbert's Park, without fully informing the ratepayers and residents of Claremont?

Question 2. I am one of the concerned ratepayers who have collected over 200 signatures for the Town of Claremont residents and park users objecting to the A Class Reserve being reduced in size to accommodate a 'Cultural Community Centre, Car Park, and Café/restaurant (referred to by both names in the Landgate documents)'. Why has café/restaurant zoning been given to a museum redevelopment?

Question 3. Why did the Council allow the proposed museum extension building to be moved from its initial Cart Shed site to the middle of the park above the toilet block without informing the public and getting feedback from the residents?

Answer: The Mayor took all questions on notice.

Professor Peter Tannock, 61 Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Question 1. Where is provision made for investigating the impact of the proposed 'community hall' and its surrounds on the beauty, outlook and utility of Mrs Herbert's Park for its current main purposes: children's play, family gatherings and celebration, picnics, use of the river and foreshore for swimming, boating, and other recreation purposes, and visits by local residents for their quiet enjoyment?

Question 2. Where is provision made for investigating the negative impact on the proposed 'community hall' on the outlook, quality of life, and the value of the physical assets of the many neighbours and nearby residents of Mrs Herbert's Park?

Question 3. Why is there no provision for the development of an overall master plan for Mrs Herbert's Park, the Museum, and Alex Prior Park such that the beauty, security, history and amenity of the area is preserved and enhanced for the long-term? Was this not central to the apparently discarded Hames Sharley Report?

Question 4. Why is the Project Steering Group for the 'Freshwater Bay Museum Project' constituted as proposed? It should cover the preservation and development of Mrs Herbert's Park. There is no representation from the local community of nearby residents and park users. The current project architect is represented. This seems inappropriate in that it may well pre-determine design and placement recommendations. The project architect may have a vested interest in defending and preserving current wholly unacceptable design and placement of the facility. The Project Steering Group should have access to an independent heritage architect and a person with expert knowledge of parks and gardens as community use facilities. It should also have access to a person who represents the long-term Aboriginal interest in this site. It should be Chaired by the Mayor or Deputy Mayor, with South Ward councillors as members. Council officers, led by Mr Andrew Smith, should advise and support the Steering Group but not be members of it.

Answer: The Mayor took all questions on notice.

Mr Tim Humphry, 68a Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Question 1. Did the March 2016 extensive consultation process in respect to the Freshwater Bay Museum Future Directions Plan include or contemplate the excising of a portion of Mrs Herbert's Park for Recreation, Museum, Cultural Centre, car park and café? If not, why not and why have the park stakeholders not been included in consultation and planning of what is not only a redevelopment of the museum but also a redevelopment of Mrs Herbert's Park?

Question 2. Is the Freshwater Bay Museum Future Directions Plan 2016-2021 which was approved at Council meeting 21 March 2017, still policy or has it been revoked?

Question 3. That Future Directions Plan included The Freshwater Bay Museum Facility Development Plan commissioned from Hame Sharley in October 2016. The HS plan showed a modest redevelopment of the art Shed to include office space, education space and flexible community and temporary exhibition space. If this is Council policy why has the Community building locations as sized not been adhered to?

Question 4. Who's idea reported in November 2017 was it to suggest the alternate location of the Community Building from the Cart shed to over the current toilet block? Was this an opportunistic use of land – a land grab, which was contemporaneously under application by Council to be transferred out of Mrs Herbert's Park to overcome the previous building by Council, without Parliamentary approval, of the Museum Administration Building and carpark, on land zoned A class reserve for picnic use only? I.e. on Mrs Herbert's Park.

Question 5. Was that building on Mrs Herbert's Park illegal?

Question 6. Was this alternate location of the Community Building publicised or consulted to park users and residents prior to the two week window in July this year when 22 nearby residents were canvassed by letter?

Question 7. Is the long period between November 2017 when the alternate location of the community building over the toilets was presented to Councillors and July 2019 when it was presented to residents due to the time it took to obtain Land Department and Parliamentary approval of the excise of the required land from Mrs Herbert's Park?

Question 8. Should not the council have consulted with park stakeholders in regard to the alternate Community building location and presented these findings to Parliament so that Parliament could have considered stakeholder's views when considering the excise application?

Question 9. A concern from residents not noted in Agenda Item 13.1.1 is the industrial and dark block nature of the building design and its overbearing impact on the park playground and bbq area immediately below it. It stands more than 10m high above the playground and bbq ground level. Can this concern be included in the architectural review?

Question 10. The cropping of the images provided during the July 2019 resident consultation does not change the fact that the building is located in the middle of Mrs Herbert's Park on a E-W axis and near the middle on the N-S axis. It will dominate the park. Can this concern be addressed by the architectural review?

Question 11. Will Council pass Resolution and a By-Law to ensure use of the redeveloped museum, or even the museum in its present state is for museum purposes only? If this is the intent, as I have been continually told, why did Council request the use of the excised portion be amended from picnic use to recreation, museum, cultural centre, care park and café?

Question 12. The proposed project steering committee does not include a representative of the park users nor neighbouring residents. Can such representatives be included in the steering committee?

Question 13. In applying for a Lottery West Grant did Council advise Lottery West that they had not conducted community consultation on the impact and reduction of the park?

Question 14. How as stated by Department of Lands, can the boundaries of the reserves that comprise Mrs Herbert's Park be varied to "more accurately reflected the purposes for which the reserve was being used" when no survey has been made of park use? For example the carpark is primarily used by park users.

Question 15. Why was the limited consultation (July 2019) to 22 residents initiated three and a half years after the development, Dec 2015-March 2016, of the museum Future Directions Plan and after the excise of the land had been granted by Parliament? Was this not a fait accompli to residents?

Question 16. Has there been consultation on Indigenous significance of the land and the Community building upon it and looking over it? The place Kard Bidi is part of the Whadjuk Trails.

Question 17. Is the excise of land from Mrs Herbert's Park in compliance with Council's Strategic Community Plan? Notably; the Liveability Strategy of "Our heritage is preserved for the enjoyment of

the community“ and the Leadership Strategy of “Our stakeholders are well informed and we provide opportunities for community engagement”?”

Question 18. Can the Officer Recommendation be amended to include: 1a) consider the amenity and visual impact of the proposed Community Building over the playground and bbq areas immediately below the building proposed location? 2. Include representatives of park users and neighbouring residents in the proposed steering committee?

Question 19. Does Council have a time frame for a recommendation on this proposal to be provided to the WA Planning Commission?

Answer: The Mayor took the questions on notice.

6 PUBLIC STATEMENT TIME

Mr James Latto, 70 Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Mr Latto expressed a number of concerns and comments in relation to this development while submitting his questions.

Professor Peter Tannock, 61 Victoria Avenue, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Mr Tannock expressed a number of concerns and comments in relation to this development while submitting his questions.

Dr Ricki Hewitt, 28 Goldsmith Road, Claremont.

Re: Item 13.1.1, Freshwater Bay Museum.

Dr Hewitt spoke in favour of Council reviewing the Museum Project and establishment of the Project Steering Committee.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

8.1 PETITION - STREET LIGHTING ALONG STRICKLAND, MYERA AND BUTLER STREETS

RESOLUTION 114/19

Moved: Cr Sara Franklyn

Seconded: Cr Chris Mews

That the petition be received.

CARRIED

8.2 PETITION - BINDARING PARADE PARKING RESTRICTIONS

RESOLUTION 115/19

Moved: Cr Alastair Tulloch

Seconded: Cr Paul Kelly

That the petition be received.

CARRIED

8.3 PETITION - OPPOSITION TO THE SCHEME AMENDMENT PROPOSED BY BETHESDA HOSPITAL

RESOLUTION 116/19

Moved: Cr Chris Mews

Seconded: Cr Paul Kelly

That the petition be received

CARRIED

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION 117/19

Moved: Cr Paul Kelly

Seconded: Cr Sara Franklyn

That the minutes of the Ordinary Meeting of Council held on 20 August 2019 be confirmed with the following amendment to Item 14.

‘undergrounding of power’ be replaced with ‘installation of underground power’

CARRIED

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

Nil

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

12 REPORTS OF COMMITTEES

Nil

13 REPORTS OF THE CEO

13.1 LIVEABILITY

13.1.1 FRESHWATER BAY MUSEUM, CONSIDERATION OF PETITION AND UPDATE ON PROJECT

File Number: COP/00083, D-19-28996
Author: Andrew Smith, Director Infrastructure and Assets
Authoriser: Liz Ledger, Chief Executive Officer
Attachments: Nil

PURPOSE

To consider the petition as received by Council at the Ordinary Meeting of Council held on 20 August 2019 and to consider project updates with respect to the proposed Freshwater Bay Museum redevelopment

BACKGROUND

Clause 6.10(2) of the Town of Claremont Meeting Procedures Local Law 2018, provides that;

Upon receiving a petition, the local government is... to report on the matter that is the subject of the petition.

This report considers the petition as received by Council at its last Ordinary Council meeting, the content of that petition and how this should be considered relative to the proposed redevelopment of the Freshwater Bay Museum.

Council at its meeting held on 20 August 2019 received a petition which stated;

The following ratepayers and residents of Claremont strongly oppose the Council's plans to build a 50 seat Community Hall in the middle of Mrs Herbert's Park as part of the proposed Freshwater Museum redevelopment.

We strongly oppose the included plans to use the upper grassed area of the park as an overflow carpark for proposed community hall and museum events.

We request that given the impact of the current redevelopment proposal and the lack of public consultation, before continuing further with the plans, council advertise and convene a public meeting on the site. At the meeting Council can explain their processes and plans and listen to the view of the rate payers, neighbours and park users.

Whilst an in depth review of the signatures to the petition has not been carried out, after removing duplications and residents outside of the district (the petition made reference to "the following ratepayers and residents") the petition has been signed by approximately 173 persons, all of whom live within reasonable proximity to Mrs Herbert's Park.

In considering the matters raised by the petition, it has been considered necessary to review the progress of the proposed Freshwater Bay Museum redevelopment project, the key milestones that led to the current status of the project, and the most recent works commissioned as result of Council receiving concerns from the community in respect to the project.

Key Milestones and Progress of Project

November 2015, the Council considered a Briefing Paper that outlined the current status of the Museum and highlighted the strengths and weaknesses of the current structure.

December 2015 – March 2016, the Council commissioned an extensive consultation process to develop a Future Directions Plan. Engagement included every household in the Town as well as key users including teachers, volunteers, members of the Museum Advisory Committee and Friends groups. 149 responses were received as result of this process.

July 2016 – The Council approved the Museum Redevelopment as a major project within the 2016/17 budget.

August 2016 – Expression of interest document prepared to create a Facility Development Plan for the Museum precinct.

October 2016 – Architect appointed to prepare the Facility Development Plan.

August 2017 – Decision taken to appoint an alternate architect (Carabiner) to progress to detailed design phase.

November 2017 – Alternate design options identified and presented to Councillors via briefing, including alternate location of Community Building (over site of current toilet block).

January 2018 – Architect completed detailed design on Conservation Building.

February – June 2018 – Further discussions between officers, Museum Advisory Committee and Council in respect to final form of Community Building.

April 2019 – Council endorsed the revised version of the Community Building and authorised the proposal be distributed to surrounding land owners for comment.

June 2019 – letters distributed to adjacent residents for comments.

June/July 2019 – Letters of concern received from adjacent residents

Following the initial receipt of letters from adjoining land owners, meetings were held between the residents, Mayor and Chief Executive Officer (as requested by the residents) to discuss the project and better understand community concerns.

At that stage concerns were understood to be;

- Location of the proposed Community Building relative to park amenity, view corridors, and height relative to existing infrastructure (such as the playground)
- Development of overflow parking area and desire to leave the park largely unchanged, even if the area was used for overflow parking (no use of boundary poles, paving or other forms of improvement)
- Concerns as to the likely community type uses of the Community Building and the detrimental impact this would have on adjacent residents.

DISCUSSION

Following receipt of the initial letters from residents, followed shortly by the petition (as tabled), officers took the opportunity to review the project and determine what of the issues as raised could be readily resolved, and what of these required further consideration and possible reconsideration of Council.

Location of the Proposed Community Building

A review of the supporting documents as distributed to residents indicated that whilst the images shown were an accurate reflection of the scale and style of the proposed Community Building, the boundaries of the image had been cropped so that initially it appeared to residents that the building was located in the middle of the Park and not where it was proposed, on the location of the current toilet block.

Whilst clarifying this issue resolved some of the initially held concerns, other concerns could not be adequately resolved.

As a result, officers have since commissioned the appointed architect to prepare perspectives from within the Park, which show both the current perspectives (view corridors) as seen from the North and East of the Park (where adjacent residents are located) as well as the comparative view corridors if the proposed Community Building was located in its proposed position.

In addition consideration has also been given to rearticulating the location of the proposed Community Building so that it follows a more north-south alignment, rather than the Building being sited on a more north/east-south/west axis.

In respect to considering this proposal further, detailed design works will be required in order to accommodate this solution, including reviewing provisions for site work costs and the impacts on (and costs associated with) the deep sewer line that traverses the site (a design for its relocation has already been proposed in the current proposed location of the Community Building).

During these reviews it was identified that the storage shed (located at the north west of the Museum precinct) might have possible issues relating to structural integrity, which if verified, might not allow for the re-purposing of this building for storage requirements.

Whilst the size of the collection has dramatically reduced following the successful deaccessioning program (a program that involved the audit and preventative conservation of approximately 8000 items), there will remain a volume of artefacts that will need to be stored, and potentially circulated through the museum display, over time.

Logically having these items within the same precinct and in proximity of the museum is the most ideal outcome, however if the storage shed is unable to be repurposed (or the costs of works as a result of structural issues make this uneconomic) for storage needs, then this issue will need to be considered as part of the broader Museum project.

In addition during discussion with adjacent residents, and whilst not reflected in the petition, the overshadowing of the proposed Community Building and its impact on existing facilities (such as the playground) was also raised as a matter of concern. In order to respond to this matter, the project architects have also been requested to prepare shadowing diagrams that show the generation of shadows from the proposed building, and how these will impact on other areas of the park.

Development of the Overflow Parking Area

During discussions concerned residents were advised that the overflow parking was not proposed to be 'constructed', and would continue to remain as a fully grassed area, integrated directly into the park.

The concept design did however show the location of pine poles around the boundary of the extension area, proposed simply as a means of restricting vehicles to the overflow parking area only, and preventing them from travelling further across the park towards the houses at the west of the Park, seeking shade. Feedback from residents was that this element was not supported and a design that did not require these pine poles to be installed was preferred.

Community Building Uses

The images as distributed as part of the community information package to surrounding residents included 1 dimensional plans of the Community Building. This image showed several rows of chairs within the building, consistent with how seating capacities are shown and to indicate this part of the building as a possible meeting space.

Unfortunately, without further clarity as to the extent of uses that might be accommodated at the new building, members of the public concluded that this suggested that the new facility could be extended to other uses including, birthday parties, social events, weddings etc., each of which resulted in genuine community concerns as to the impact on residents as a result of later than usual occupation, noise and parking issues.

Whilst it was explained that this was certainly not the intent of the building, and that the Community Building was designed as part of the broader museum precinct, resident concerns in respect to this particular issue were substantial, and frequently Council guarantees or resolutions were sought from Council as a form of commitment to this restricted museum use.

The matters raised by the Petition

The petition states;

The following ratepayers and residents of Claremont strongly oppose the Council's plans to build a 50 seat Community Hall in the middle of Mrs Herbert's Park as part of the proposed Freshwater Museum redevelopment.

We strongly oppose the included plans to use the upper grassed area of the park as an overflow carpark for proposed community hall and museum events.

We request that given the impact of the current redevelopment proposal and the lack of public consultation, before continuing further with the plans, council advertise and convene a public meeting on the site. At the meeting Council can explain their processes and plans and listen to the view of the rate payers, neighbours and park users.

Clearly the petition mirrors many of the concerns encountered during initial conversations with the immediately surrounding residents.

In responding to these concerns it is therefore suggested that;

- The Council considers the findings of the architect with respect to both overshadowing impacts generated by the proposed Community Building.
- The Council considers the potential rearticulation of the proposed Community Building to a more north south axis, including any subsequent impact on view corridors, sight lines and the loss of trees in the Park.
- The Council considers the costs associated with any alternate location of the proposed Community Building inclusive of site works, relocation of the mains sewerage line and any other costs that might be identified by the appointed quantity surveyor.

The last item raised within the petition relates directly to the holding of a community meeting. Whilst Council may wish to satisfy this request and arrange for such a meeting to be held, it is considered that many aspects of the design may have changed since the petition was circulated, and many more may yet change as result of the additional works recently commissioned from the project architect.

As such, it is considered appropriate that in preference to holding a community meeting, much of which would centre on the very issues that are potentially proposed to be reconsidered, instead the Council commits to delay any further progression of this project until such time as it has;

- Received and considered alternate design options for the proposed Community Building,
- Considered the perspective diagrams and shadowing diagrams prepared by the project architect,
- Considered costs associated with alternate options and their impact on both residents and the Park, and
- Considered the findings of the structural engineer in respect to the storage shed, and the implications of this in respect to the boarder Museum redevelopment strategy

It is further suggested that as part of this process, Council requests that the Chief Executive Officer forms a Project Steering Group comprising relevant officers, the project architect and members of the Museum Advisory Committee. Through this process it is considered that both technical, operational and community opinions will be able to considered and guide the further progress of this project.

PAST RESOLUTIONS

15 August 2017 – "That the Freshwater Bay Museum's Operation Report from April to June 2016 as presented be received by Council."

This report contained the following advice "A letter has been sent to the Department of Lands in regards to the change in Management Order for Lot 137 (Reserve 885). Currently listed for the purpose of picnic ground only, the Town of Claremont has requested the change to include recreation, museum, cultural centre, car park and cafe.

This week the Department of Lands has contacted the Town to advise that they will be preparing the plans with briefing notes seeking approval from the Director General for the change, prior to lodging a submission with Parliament”

19 June 2018 – “Endorse the Museum Precinct redevelopment architect (Sandover Pinder) to commence the detailed design immediately based on Option 2.”

FINANCIAL AND STAFF IMPLICATIONS

Freshwater Bay Museum Project comprises several elements with Council’s adopted 2019/20 budget;

Dept	Activity	GL Name	Budget
1107	51359	16-17 Freshwater Bay Museum Revitalization	1,159,717
1104	51361	16-17 Mrs Herbert Park Toilet	200,000
1201	60140	17-18 Museum Development - Public Car Park	130,000

The initial allocation to the project in 16-17 provided for a capital allocation of \$1.26million, to date there has been an estimated expenditure of \$100,000, hence the current \$1.159million in the 2019/20 budget.

In addition, the project is funded (in part) by an already approved Lottery West grant of \$760,000.

POLICY AND STATUTORY IMPLICATIONS

As of the 4th of July 2019, the Town received advice from the Department of Lands that the reserves that comprise Mrs Herbert’s Park had been varied so that the boundaries more accurately reflected the purposes for which the reserve was being used.

COMMUNICATION / CONSULTATION

Initial consultation undertaken in respect to the Freshwater Bay Museum project was extensive, involving the entire community and the stakeholders to the facility.

This resulted in the Future Direction Plan, a document that then evolved to include the appointment of the project architect and development of a strategy for the redevelopment of the precinct. Consultation since that phase has continued via various publications, articles in Town Talk and locally published newspapers. The most recent engagement was part of the Planning process and involved consulting with adjoining neighbours, which in this case totalled 22 residences.

In response to the petition as received, a letter has also been forwarded to all 170 plus signatures as contained on the petition with respect to process moving forwards and providing a commitment to further engage the community with respect to the project.

STRATEGIC COMMUNITY PLAN

Liveability

We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.

- Balance the Town's historical character with complementary, well designed development.
- Maintain and upgrade the Town's assets for seamless day to day usage.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

People

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

- Effectively manage and enhance the Town's community facilities in response to a growing community.
- Facilitate opportunities for social participation, health, learning and inclusion through programmed activities and events.
- Recognise and celebrate the Town's history and culture through arts and events.

Leadership and Governance

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

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Demonstrate a high standard of governance, accountability, management and strategic planning.
- Manage our finances responsibly and improve financial sustainability.

URGENCY

Urgency of this matter arises on in respect to the Councils obligations to consider the petition as provided by the Town of Claremont Meeting Procedures Local Law 2018

VOTING REQUIREMENTS

Simple majority decision of Council required.

MOTION

Moved: Cr Chris Mews

Seconded: Cr Paul Kelly

That Council

- 1. Commits to delay any further progression of this project until such time as it has;**
 - a) Considered the findings of the architect with respect to both overshadowing impacts generated by the proposed Community Building.**
 - b) Considered the potential rearticulation of the proposed Community Building to a more north south axis, including any subsequent impact on view corridors, sight lines and the loss of trees in the Park.**
 - c) Considered the costs associated with any alternate location of the proposed Community Building inclusive of site works, relocation of the mains sewerage line and any other costs that might be identified by the appointed quantity surveyor.**
 - d) Considered the findings of the structural engineer in respect to the storage shed, and the implications of this in respect to the broader Freshwater Bay Museum redevelopment project.**
- 2. Request the Chief Executive Officer establish a Project Steering Group with respect to the Freshwater Bay Museum project, including relevant officers, the project architect and members of the Museum Advisory Committee**
- 3. That the Project Steering Committee refers its finding direct to Council via recommendation of the Chief Executive Officer.**

RESOLUTION 118/19

**Moved: Cr Chris Mews
Seconded: Cr Kate Main**

That Item 2a. be added to read;

‘Request the CEO make contact with a representative of the WA Museum in relation to the development’.

Reason: To ensure that all aspects of the design are fit for purpose.

CARRIED

RESOLUTION 119/19

**Moved: Cr Kate Main
Seconded: Cr Paul Kelly**

That Item 2 be amended to include in the Project Steering Group, a resident/ratepayer representative as determined by the CEO.

Reason: To ensure that residents’ concerns are addressed when the group meet.

CARRIED

RESOLUTION 120/19

**Moved: Cr Chris Mews
Seconded: Cr Paul Kelly**

That Council

- 1. Commits to delay any further progression of this project until such time as it has;
 - a) Considered the findings of the architect with respect to both overshadowing impacts generated by the proposed Community Building.**
 - b) Considered the potential rearticulation of the proposed Community Building to a more north south axis, including any subsequent impact on view corridors, sight lines and the loss of trees in the Park.**
 - c) Considered the costs associated with any alternate location of the proposed Community Building inclusive of site works, relocation of the mains sewerage line and any other costs that might be identified by the appointed quantity surveyor.**
 - d) Considered the findings of the structural engineer in respect to the storage shed, and the implications of this in respect to the broader Freshwater Bay Museum redevelopment project.****
- 2. Request the Chief Executive Officer establish a Project Steering Group with respect to the Freshwater Bay Museum project, including relevant officers, the project architect, members of the Museum Advisory Committee, and a resident/ratepayer representative as determined by the CEO.**
- 2A. Request the Chief Executive Officer make contact with a representative of the WA Museum in relation to the development**
- 3. That the Project Steering Committee refers its finding direct to Council via recommendation of the Chief Executive Officer.**

CARRIED

13.2 PEOPLE

13.2.1 LIQUOR LICENCE EXTENSION APPLICATION - DOLPHINS WATER POLO CLUB

File Number: LAW/00088-08, D-19-25740
Author: Sean Badani, Aquatic Centre Manager
Authoriser: Liz Ledger, Chief Executive Officer
Attachments: 1. Extended Liquor Licence Area - Floorplan A
2. Extended Liquor Licence Area - Floorplan B

PURPOSE

For Council to consider endorsing a Development Approval from the Dolphins Water Polo Club to extend the Liquor Licence area currently held within the club room at the within the Claremont Aquatic Centre to include the veranda area.

BACKGROUND

The Dolphins Water Polo Club has been operating at Claremont Aquatic Centre since 1971 and run water polo training sessions, games and social functions.

The Club has a Club Restricted liquor licence that allows them to serve alcohol within the club room only on Wednesdays from 6pm to midnight and on Saturdays from 1pm to 9pm.

On 24 July 2019 the club applied for an extension of the liquor licence area to include the veranda immediately adjacent to the club room which overlooks the pool deck.

This request has been submitted to allow club members and their guests to consume alcohol while watching water polo games.

As part of the proposal the club has indicated they will apply changes to the area so it meets the requirements of the *Health (Public Building) Regulations 1992* requirements.

Council considered an earlier application in February 2017 for a similar extension and additional hours however this was deferred to allow review after-hours access to the pool.

DISCUSSION

The application from the Dolphins is to extend its licensed area to include the veranda situated outside the club room, overlooking the pools (Attachments1 & 2).

The Dolphins state this will allow members and their guests to enjoy a drink while watching games taking place in the pool. In addition to facilitating improved visual connectivity between the two areas, the Dolphins anticipate inclusion of the veranda area will encourage more patrons to attend functions and club events, and foster more community engagement in the club and its activities.

The applicant is not seeking to extend its liquor licence hours, and have given a commitment to undertake works to make its proposal compliant with the *Health (Public Building) Regulations 1992* requirements.

In addition to enclosing the area with one way reflective blinds which will drop to the top of the balustrade, other work includes;

- Ensuring the area's balustrade and railing is increased to a minimum of one metre high.
- A new tubular steel self-latching gate to be installed at the end of the proposed new licenced area on the veranda. This will clearly define the licenced area, remove risk of unaccompanied juveniles entering the area and address the need for a barrier where there is a change in level.
- All pathways and thoroughfares to be illuminated to a minimum of one lux.
- All areas with a change in level will have barrier/hand railing installed.

- All exit points to comply with regulation 16 of the *Health (Public Buildings) Regulations 1992*.
- Patrons' numbers within the licence area including proposed extension to be capped at 50.

While members consuming alcohol in the veranda area in full view of the general public would conflict with the Aquatic Centre's policies, enclosing the veranda with a tinted awning structure provides an appropriate solution in allowing club members to look out, while screening this activity from other pool users.

From an antisocial and/or noise impact perspective, there has been no recent compliance issues with the Dolphins operations with minor incidents reported in 2016 dealt with immediately by the club. The Town's Aquatic Centre Manager considers it unlikely that the inclusion of the veranda area will have an adverse impact to the neighbourhood.

The land on which the Claremont Aquatic Centre is located is owned by the Town, however it is zoned 'Parks and Recreation' under the Metropolitan Region Scheme ('MRS'). Accordingly, all planning decisions in relation to the land are the responsibility of the West Australian Planning Commission (WAPC), following comment and recommendation from Council.

A MRS Form 1 Development Application is to be lodged by the Dolphins for endorsement by the Town's Chief Executive Officer (CEO) as landowner of the Aquatic Centre facility. This report seeks to obtain Council's consent for the CEO to sign the application to enable the application to progress through formal Development Approval processes.

Formal planning processes will involve:

1. Referral of the application to the WAPC through the Department Planning Lands and Heritage (DPLH).
2. Public consultation of the proposal.
3. Consideration of submissions received.
4. If objections are received, referral of the application details and submissions to Council for consideration and recommendation to the WAPC.
5. If no objections are received, referral of the application details to the Council in a delegated report with recommendation to the WAPC, and
6. WAPC to determine the application.

The above process will provide for all planning concerns raised by residents to be considered by Council and for a recommendation to be made to the WAPC for its determination.

Following determination by the WAPC, the WAPC will also be required to endorse the Section 40 Certification that the proposal complies with the planning requirements in order for the Department Racing Gaming Liquor (DRGL) to consider extending the Liquor Licence. Council will also be required to endorse Section 39 (Health) certification for the proposal.

PAST RESOLUTIONS

Ordinary Council Meeting 7 February 2017, resolution 05/17;

That the item be deferred.

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Health (Public Building) Regulations 1992 requirements

COMMUNICATION / CONSULTATION

Communication of the proposal will be undertaken as part of the DA assessment process.

STRATEGIC COMMUNITY PLAN**People**

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

- We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.
- Effectively manage and enhance the Town's community facilities in response to a growing community.
- Provide opportunities for local community groups that supports their capacity and ongoing sustainability.
- Promote and encourage an active lifestyle through supporting local community clubs, groups and recreation and leisure facilities.

URGENCY

Dolphins have been working towards extending the licenced area since 2014. The club indicate a licence extension will contribute to the successful operation of the club.

VOTING REQUIREMENTS

Simple majority decision of Council required.

RESOLUTION 121/19

Moved: Cr Kate Main

Seconded: Cr Sara Franklyn

That Council authorise the Chief Executive Officer to endorse the Development Application for the extension of the liquor licence area at the Claremont Aquatic Centre club rooms.

CARRIED

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker reported on his attendance at the opening of the Art Exhibition and reminded the meeting of the upcoming Citizenship Ceremony to be held on the 4 September 2019

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

Nil

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

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

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 17 September 2019 at 7:00pm.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7:39pm.

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MAYOR