

TOWN *of* CLAREMONT

Minutes

Ordinary Council Meeting

Tuesday 28 April 2026

Tim Clynch
Interim Chief Executive Officer

DISCLAIMER

Members of the public are cautioned against taking any action as a result of a Council decision 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. An audio recording of this meeting will be published on the Town's website within 14 days of the meeting.

UNCONFIRMED

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UNCONFIRMED

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

His worship the Mayor, welcomed members of the public, press, staff and Councillors and declared the meeting open at 7:02pm.

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

Mayor Peter Telford

Deputy Mayor Cr Paul Kelly

Cr Ryan Fernandes

Cr Graham Cameron

Cr Annette Suann

Cr Kate Main

Cr Jill Goetze

Cr Sara Franklyn

IN ATTENDANCE:

Tim Clynch (Interim Chief Executive Officer)

Bernadine Tucker (Director Corporate Services)

Kevin Ketterer (Director Infrastructure)

Ross Montgomery (Interim Director Planning and Environment)

Felicity Higham (Acting Manager Governance)

Ashleigh Dorrell (Acting Manager Communications and Customer Relations)

Leanne Dales (Executive Assistant)

[3] members of the Public, [1] members of the Press

APOLOGIES:

Cr Ryan Brown

LEAVE OF ABSENCE:

Nil

3 DISCLOSURE OF INTERESTS

Mayor Peter Telford disclosed a financial interest regarding Item 13.2.1, as he is a supplier to a business of which Sam Kaye is a shareholder.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

John Burrridge of Swanbourne

Question 1

How can the council view the extension of a boundary fence which is butted up against the dividing fence without a setback as a screen and not part of the fence.

Answer 1

The proposed structure is a screening element associated with the approved development and is not a boundary fence. The report confirms there is already a dividing fence in place along the common boundary between No. 91 Shenton Road and No. 93 Shenton Road.

The Town considers the structure to be properly characterised as a screening structure (pergola with infill screening) forming part of the approved development, rather than a dividing fence for the purposes of the Fencing Local Law. That is because an existing dividing fence already exists on the common boundary, (previously fibro and has been replaced with colorbond following previous approval) and the subject element is attached to the main structure, is not freestanding, is not a replacement fence, and does not extend to ground level. In those circumstances, it does not itself function as the barrier separating the adjoining lands.

Question 2

Is the council aware that the fence which side piece wishes to add to is partly on my land and as such I cannot give approval.

Answer 2

This planning assessment proceeds on the acceptance that the plans and material lodged with the application have been signed by the owner of the land, which depict the proposed structure within No. 93 Shenton Road.

The Town does not determine cadastral boundaries however in this case notes the proposed works relate to an existing structure which is set within the observed boundary alignment.

On a civil basis, any dispute about the boundary line remains a separate matter between the landowners. It is the prerogative of landowners to investigate and resolve any boundary anomalies and may be subject to legal assistance.

Notwithstanding the above, an additional condition will be raised for the consideration by Council when the matter is determined at the meeting. This proposed condition, which could be considered via an amendment to the officer recommendation, reads:

Prior to the commencement of development, a certificate prepared by a licensed land surveyor is to be submitted to the satisfaction of the Town of Claremont, confirming that the proposed structure is located wholly within the subject site (Lot 84 on Deposited Plan 19182)

Question 3

What are the councils set back requirements for a screen fence.

Answer 3

The application is not assessed under the provisions applicable to boundary fences, as the structure is more appropriately characterised as a screening element within the subject site rather than a dividing fence.

Craig Cavanagh of ClaremontQuestion 1

Following Council's decision on 31 March 2026 to amend Road Verges Policy EN302 and redefine "adjacent frontage," which appears to exclude rear lot owners from participating in verge decisions affecting areas adjoining their properties:

Can Council advise whether it considers it appropriate for some residents to be excluded from input into the use and treatment of public verge areas they rely on, and why no public consultation was undertaken prior to implementing this change?

Answer 1

Council during the consideration of the review of Policy EN302 Road Verge, determined the definition of "adjacent" relating to the management of verges in the Town. This definition defines the expectation for maintenance of the verge as well as the right to landscape the verge where an application is made for this to occur.

This is not a case of exclusion but rather one of clarifying responsibilities and rights relating to verge management.

As this Policy refers to verges under the Town's management throughout the Town, there is no requirement to consult every individual property owner in this respect.

Question 2

Under clause 9.7 of the Town's Parking Local Law 2016, a vehicle may not be left in a public place for more than 24 hours. However, I recently received an infringement for this alleged offence which was subsequently withdrawn after I raised concerns with the Town.

Given this, can the Town clarify:

1. Whether crossovers are formally treated as a "public place" for the purposes of enforcement under clause 9.7;
2. What internal controls exist to ensure infringements are issued correctly and only where a breach has genuinely occurred; and
3. Whether compliance powers may be used in connection with, or influenced by, private works on adjoining properties (such as verge treatments), and if so, what safeguards are in place to prevent inappropriate use of those powers. Further, what steps will the Town take to ensure transparency, consistency, and public confidence in the enforcement of verge and crossover parking rules?

Answer 2

1. Crossovers come under the interpretation of a driveway under clause 1.4 of the Town of Claremont Parking Local Law 2016. Parking on a driveway is addressed in clause 7.10 of that Local Law.
2. There exists a right of review/appeal mechanism if sought by the recipient of an infringement.
3. Clause 7.9 of the Town of Claremont Parking Local Law 2016 addresses parking on verges. The questions of who can park on a verge that contains an approved verge treatment and a clear definition of who is the adjacent property owner to the verge, with in some situations an exclusive entitlement to park on the verge, will be subject to further considerations by the Council in coming months as either the Local Law or related policy are reviewed.

Question 3

How does the Town ensure equitable access to verge space where one property owner is effectively allowed to control or exclude others through landscaping and does the Town consider it reasonable that a verge—being public land—can be ‘privatised’ in practice by a single adjoining owner without consultation or consent from impacted neighbours?

Answer 3

It is assumed that this question relates to the adoption of Policy EN302 Road Verges

Generally, properties which have a verge frontage enjoy the responsibility of maintaining that verge as well as the right to landscape the verge following application approval. Unfortunately, what is commonly referred to as a battle-axe block has per definition no street frontage and therefore no verge frontage other than the crossover.

To clarify these responsibilities, Council defined the meaning of “adjacent” as it relates to Policy EN302. The Policy does not entail privatisation but rather allows adjoining owners to enhance the streetscape to the benefit of all residents.

Question 4

Can the Town explain why different versions of the EN302 policy appear to exist with the same document control reference, and which version is legally operative?

Answer 4

The Policy published on the Town’s website in the folder titled ‘Policy Manual’ is the correct version, being the modified policy adopted by Council last month.

When investigating how an outdated version of the same policy would continue to exist, a simple internet search titled “verge policy Claremont” found an old version of the policy linked to a media story from several years ago. This has highlighted the need to clear old versions of documents from all parts of the Town’s website when they are updated.

For clarity, where differing versions of a policy are found in this manner, the version contained in the ‘Policy Manual’ folder takes precedence and is to be accepted as the proper version.

Question 5

Given the Town is now committing to a transparent and consultative process for local law reviews under item 13.1.1, will Council commit to reviewing EN302 under a similar public consultation process and will Council pause or reconsider the application of the current EN302 policy where it is causing active disputes or inequitable outcomes, pending proper community consultation?

Answer 5

Local law reviews are conducted in accordance with the structured and specific requirements set out in section 3.16 of the *Local Government Act 1995*. Reviews of policy are different. Policy reviews are presented to Council and appear in the public agenda. Members of the public are welcome to attend Council and provide input on any amendments proposed. Policy E302 was last reviewed and modified at the Ordinary Council Meeting held 31 March 2026. Policies establish principles and standards that support consistent administration, rather than addressing individual grievances or mediating private disputes between neighbours.

6 PUBLIC STATEMENT TIME

There were no public statements.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION 54/26

Moved: Cr Annette Suann

Seconded: Deputy Mayor Cr Paul Kelly

That the minutes of the Ordinary Meeting of Council held on 31 March 2026 be confirmed.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Nil

CARRIED 8/0

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 LEADERSHIP AND GOVERNANCE

13.1.1 COMMENCEMENT OF LOCAL LAW REVIEW 2026

File Number: LAW/08/00002

Author: Bernadine Tucker (Director Corporate Service)

Authoriser: Tim Clynych (Interim Chief Executive Officer)

Attachments: 1. Repeal Local Law 2026 [**13.1.1.1** - 2 pages]

PURPOSE

To seek Council approval to advertise a suite of local laws for review under section 3.16 of the *Local Government Act 1995* in order to comply with statutory review requirements and transitional provisions introduced by the *Local Government Amendment Act 2024*.

BACKGROUND

Section 3.16 of the *Local Government Act 1995* (the Act) establishes a statutory review framework, requiring each local law be periodically reviewed to determine whether it should be repealed, amended, or remain unchanged. It is a requirement to give local public notice of the proposed review and an opportunity for community submissions.

The *Local Government Amendment Act 2024* introduced significant changes to the section 3.16 review process, including the extension of the local law review period from 8 years to 15 years. Under the amended Act, any local law not reviewed within 15 years will automatically lapse.

The amended local law provisions under the Act came into effect on 7 December 2024 triggering a two-year transitional period for local governments to complete reviews of any overdue local laws. Accordingly, the Town must review and report on all overdue local laws by December 2026 to ensure they remain valid and enforceable.

The Town has 12 local laws. The table below provides the details on the current status of each local law:

Local Law	Date Gazetted	Last Reviewed by Council	Recommendation
Activities on Thoroughfares and Public Places Local Law 2003. This local law provides for the regulation and control of hawkers, stall holders and traders in public places within the district.	17 April 2000	27 September 2022	Review
Animals local Law 2024 The purpose of this local law is to provide for the regulation, control and management of the keeping of dogs and cats within the district.	16 February 2024	Current	Not recommended for review
Fencing Local Law 2024 The purpose of this local law is to prescribe a sufficient fence standard for the construction of fences throughout the district.	6 July 2024	Current	Not recommended for review

Foreshore Building Line – Freshwater Bay Local Law 2000 This local law repeals By-law 132 – Relating to Foreshore Building Line – Freshwater Bay and makes laws to regulate buildings in the area.	14 July 2000	30 August 2022	Note a review has been undertaken
Health Local Law 1997 The purpose of this local law is to provide a statutory means of effectively controlling issues which have potential to adversely impact on the health and wellbeing of the community.	31 March 1998	27 September 2022.	Review
Height of Buildings – Freshwater Bay Escarpment Local Law 2000 This local law repeals the By-law 123 – Height of Buildings – Freshwater Bay Escarpment and makes laws to regulate the height of buildings around the Freshwater Bay Museum.	14 July 2000	30 August 2022	Note a review has been undertaken
Local Government Property Local Law 2000 The purpose of this local law is to control the use of local government property.	8 February 2000	27 September 2022	Review
Meeting Procedures Local Law 2018 The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council, of Committees and electors.	25 May 2018	No review undertaken	Review
Parking Local Law 2016 To regulate parking of vehicles within the Town of Claremont and provide for management and operation of parking facilities under the control of the Town. This repeals Parking Local Law 2012.	2 September 2016	29 October 2024	Review
Signs Local Law 2000 The purpose of this local law is to provide for the regulation, control and management of signs within the district.	15 March 2000	27 September 2022	Review
Site Erosion and Sand Drift Local Law 2016 The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district so as to protect the amenity of the area.	14 October 2016	No review undertaken	Review

Waste Local Law 2017 The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the Town of Claremont.	27 February 2018	This local law was amended in 2018. No review undertaken since that time.	Review
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DISCUSSION

The Animals Local Law 2024 and the Fencing Local Law 2024 are two years old, fit for purpose, and do not require review under the Act or the transition provisions.

The Meeting Procedures Local Law 2018, the Site Erosion and Sand Drift Local Law 2016 and the Waste Local Law 2017 are all due for review.

At the Ordinary Council Meeting held 27 September 2022, a report was presented to Council on the review of various local laws. Of those being reviewed, Council resolved that:

- A further detailed review be conducted to repeal and replace the Activities on Thoroughfares and Public Places Local Law 2003.
- A further detailed review be conducted to repeal and replace the Local Government Property Local Law 2000.
- A further detailed review be conducted to repeal the Signs Local Law 2000.
- A further detailed review of the Health Local Law be postponed until Health Regulations have been drafted and guidance is provided by the Department of Health.

Although these local laws have been reviewed in accordance with the Act, there is no clear evidence that a more detailed review has since been conducted. Given the comments outlined in the resolution, it is recommended that these local laws undergo a further, more comprehensive review.

The Foreshore Building Line – Freshwater Bay Local Law 2000 and the Height of Buildings – Freshwater Bay Escarpment Local Law 2000 were reviewed at the Ordinary Council Meeting held on 12 December 2017. A further review was undertaken in August 2022, at which time a detailed report was presented to Council recommending that both local laws be repealed. Council subsequently resolved to authorise the Chief Executive Officer to give local public notice, in accordance with section 3.12(2) of the *Local Government Act 1995*, of its intention to make the Town of Claremont Repeal Local Law. Public notice was issued on 10 September 2022, inviting submissions by 21 October 2022. At the close of the submission period, two submissions had been received.

It appears that the repeal process has not progressed beyond this stage. Following a further review, officers consider it prudent to defer progressing the repeal local law until a review of the local planning scheme has been completed. Clauses 50 and 51 of Local Planning Scheme No. 3 (LPS3) provide specific references relative to affected prescribed locations in each local law. This specific location information is absent from the LPS3 provisions, therefore the repealing of these local laws before the Scheme can be reviewed will undermine the operation of the LPS provisions. This matter is to be discussed with the Department of Planning, Lands and Heritage (DPLH) as part of the Scheme review process. When DPLH guidance is provided on a way forward, either modified provisions can be incorporated into the Scheme review to address the current shortcomings, or alternative measures such as modified local laws to cover off on the current LPS3 provisions or preparation of a Local Planning Policy can be considered. Therefore, it will be recommended that Council notes a review of the Foreshore Building Line – Freshwater Bay Local Law 2000 and the Height of Buildings – Freshwater Bay Escarpment Local Law 2000 has been undertaken and that the repeal local law be deferred pending a review of the local planning scheme No.3.

The Parking Local Law 2016 was presented to the Ordinary Council Meeting held 29 October 2024 where Council resolved to commence a review of the law. Then, on 31 October 2024, a public notice was published advising of the parking local law review inviting submissions by December 2024. The outcome of this consultation has not been presented back to Council. Then, in May 2025, Council received a petition that requested:

Town of Claremont to remove the unpublished policy regarding shared utilisation of verges for parking access, maintenance or for any other purpose.

A report was subsequently provided to the Ordinary Council Meeting held June 2025 where council resolved, in part, to review the use of verges as part of a broader review of the Parking Local Law 2016. As such, the Parking Local Law now requires a comprehensive review.

Of the Town's 12 local laws, it is recommended eight local laws undergo review, the public consultation to repeal 2 local laws be recommenced, and that two local laws be noted as not requiring review.

To commence the local law review, it is necessary for the Town to give local public notice of its intent to review the local laws and invite submissions for a period of no less than six weeks after the notice is given. Following the close of submissions, a report will be prepared for Council, summarising submissions and providing officer recommendations on whether each local law should be amended, repealed or retained.

To recommence the public consultation for the Town of Claremont Repeal Local Law, it will be necessary to retitle the law to the Town of Claremont Repeal Local Law 2026 and give local public notice advising that the purpose of the proposed local law is to repeal outdated local laws (Height of Buildings – Freshwater Bay Escarpment Local Law 2000 and Foreshore Building Line – Freshwater Bay Local Law 2000) with the effect being the local laws are repealed. Submissions will be invited for a minimum of six weeks and a further report provided to Council on the outcome of those submissions.

PAST RESOLUTIONS

Ordinary Council Meeting 12 December 2017, Council Resolution 174/17

That Council acknowledge the review of the Town's local laws in line with s3.16 of the Local Government Act 1995, and endorse the following:

- 1. That a further review be conducted to amend the Activities on Thoroughfares and Public Places Local Law*
- 2. That a further review be conducted to amend the Fencing Local Law.*
- 3. That no changes be made to the Foreshore Building Line Freshwater Bay Local Law.*
- 4. That a further review be conducted to amend the Health Local Law.*
- 5. That no changes be made to the Height of Buildings - Freshwater Bay Local Law.*
- 6. That a further review be conducted to amend the Local Government Property Local Law.*
- 7. That a further review be conducted to amend the Signs Local Law.*
- 8. That a further review be conducted to amend the Standing Orders Local Law.*

Ordinary Council Meeting 30 August 2022, Council Resolution 102/22

That Council:

- 1. Authorises the Chief Executive Officer to give local public notice in accordance with section 3.12(2) of the Local Government Act 1995 stating that it is proposed to make a Town of Claremont Repeal Local Law; and*
- 2. Notes that:*

- a. The purpose of the proposed local law is to repeal outdated local laws (Height of Buildings – Freshwater Bay Escarpment Local Law 2000 and Foreshore Building Line – Freshwater Bay Local Law 2000) whose provisions are no longer required.*
- b. The effect of the proposed local law is the local laws are repealed.*

Ordinary Council Meeting 27 September 2022, Council Resolution 128/22

That Council acknowledge the review of the Town's local laws in accordance with s 3.16 of the Local Government Act 1995 and endorse:

- 1. That a further detailed review be conducted to repeal and replace the Activities on Thoroughfares and Public Places Local Law.*
- 2. That a further detailed review be conducted to repeal and replace the Local Government Property Local Law.*
- 3. That a further detailed review be conducted to repeal the Signs Local Law.*
- 4. That a further detailed review be conducted to repeal and replace the Dogs Local Law.*
- 5. That a further detailed review of the Health Local Law be postponed until Health Regulations have been drafted and guidance is provided by the Department of Health.*
- 6. That a further detailed review be conducted to repeal and replace the Fencing Local Law.*

Ordinary Council Meeting 29 October 2024, Council Resolution 152/24

That Council commence a review of the Parking Local Law 2016 in accordance with s 3.16 of the Local Government Act 1995.

Ordinary Council Meeting 24 June 2025, Council Resolution 78/25

That Council:

- 1. Note the petition and take no further action in relation to the petition; and*
- 2. Request a review of use of verges, as part of a broader review of the Parking Local Law 2016.*

FINANCIAL AND STAFF IMPLICATIONS

Minor costs will be incurred for mandatory public advertising and can be accommodated within current budget allocations. Staff time will be required to collate submissions received during the advertising period and prepare the review report for Council.

POLICY AND STATUTORY IMPLICATIONS

This review will be compliant with sections 3.12 and 3.16 of the *Local Government Act 1995* and the *Local Government Amendment Act 2024*.

COMMUNICATION AND CONSULTATION

Section 3.16(2) of the *Local Government Act 1995* requires the Town to give local public notice and invite submissions from the community.

The method for giving local public notice is prescribed under section 1.7 of the Act and regulation 3A of the *Local Government (Administration) Regulations 1996*.

The Town will provide local public notice in the following ways, for a period of not less than six (6) weeks:

- Publication on the Town's website;
- Publication in a newspaper (the POST);
- Exhibition on notice boards at the local government office; and
- Publication on the Town's social media accounts.

Community feedback received during the consultation period will be compiled and presented to Council in a subsequent report.

STRATEGIC COMMUNITY PLAN

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.
- Continually assess our performance and implement initiatives that drive continuous improvement.

URGENCY

There is urgency in commencing this review and advertising process to ensure compliance with the transitional provisions of the *Local Government Amendment Act 2024*, which requires overdue local law reviews to be completed by 7 December 2026. Failure to act would result in automatic repeal of local laws that are overdue for review.

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 55/26**Moved:** Cr Annette Suann**Seconded:** Cr Kate Main

That Council:

1. AUTHORISES the Chief Executive Officer to commence the statutory review of the following local laws, in accordance with section 3.16 of the *Local Government Act 1995*, and to give local public notice of the proposed review, inviting submissions from the public for a period of not less than six (6) weeks.:
 - Activities on Thoroughfares and Public Places Local Law 2003
 - Health Local Laws 1997
 - Local Government Property Local Law 2000
 - Meeting Procedures Local Law 2018
 - Parking Local Law 2016
 - Signs Local Law 2000
 - Site Erosion and Sand Drift Local Law 2016
 - Waste Local Law 2017
2. NOTES that a further report will be presented to Council following the closing date for submissions, to consider any community feedback received and an officer's report, to make a final determination in respect of each local law.
3. NOTES a review of the Foreshore Building Line – Freshwater Bay Local Law 2000 and the Height of Buildings – Freshwater Bay Escarpment Local Law 2000 has been undertaken.
4. DEFERS consideration of the Town of Claremont Repeal Local Law until the Town of Claremont Local Planning Scheme No.3 has been reviewed.
5. NOTES that the Animals Local Law 2024 and the Fencing Local Law 2024 do not require review.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Nil

CARRIED 8/0

13.1.2 VERGE TREATMENT - REQUEST FOR APPROVAL

File Number: PRK/00170-005

Author: Bernadine Tucker (Director Corporate Service)

Authoriser: Tim Clynych (Interim Chief Executive Officer)

Attachments:

1. Policy EN 302 Road Verges [**13.1.2.1** - 2 pages]
2. CONFIDENTIAL - Request for appeal for the verge treatment [**13.1.2.2** - 1 page]

PURPOSE

For Council to formalise a decision on a retrospective application for approval of a verge treatment that is not permitted under Council Policy EN302 – Road Verges, which was previously considered by Council on 27 May 2025.

BACKGROUND

At the Ordinary Council Meeting held on 27 May 2025, a report was presented to Council outlining a retrospective application from the residents of 24 Brown Street, Claremont, seeking approval for the installation of artificial lawn on the verge. The residents advised that, at the time of installation, they were unaware that artificial lawn was not permitted within the Town of Claremont.

The officer recommendation was to approve the retrospective application, having regard to the specific circumstances of the verge and the property. These circumstances included:

- Preferred alternative verge treatments were unlikely to thrive due to site constraints.
- The verge experiences high foot traffic associated with the adjoining commercial property.
- Paving was considered impractical, and only one-third of the verge would have been eligible for paving under the relevant guidelines.
- Mulch had previously been trialled but resulted in complaints from visitors to the neighbouring physiotherapy business.

The officer recommendation was as follows:

That Council approve the retrospective application for the installation of artificial lawn at 24 Brown Street, Claremont, notwithstanding its inconsistency with Policy EN302 – Road Verges, in light of the specific circumstances of the verge.

This recommendation was subsequently lost (1/4).

DISCUSSION

As the officer recommendation was lost and no alternative motion was carried (such as a motion not to approve the application), no formal decision was made and the matter remains unresolved.

For completeness, this matter is now being returned to Council for determination. The Council's resolution will provide officers with direction on how to proceed with the application going forward.

PAST RESOLUTIONS

Ordinary Council Meeting 27 May 2025, Council Resolution 69/25

That Council approve the retrospective application for installation of artificial lawn at 24 Brown Street Claremont contrary to Policy EN 302 in light of the specific circumstances of that Verge.

LOST

FINANCIAL AND STAFF IMPLICATIONS

Nil

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1995

Town of Claremont Activities on Thoroughfares and Public Places Local Law 2003

Council Policy EN302

Road Verges Verge Landscaping Guidelines

COMMUNICATION AND CONSULTATION

Nil

STRATEGIC COMMUNITY PLAN

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

- Demonstrate a high standard of governance, accountability, management and strategic planning.

URGENCY

Not urgent

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 56/26

Moved: Cr Graham Cameron

Seconded: Cr Jill Goetze

That Council not approve the retrospective application for installation of artificial lawn at 24 Brown Street Claremont.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Sara Franklyn and Cr Kate Main

Against: Cr Jill Goetze

CARRIED 7/1

13.1.3 APPOINTMENT OF PRESIDING AND DEPUTY OF THE PRESIDING MEMBER OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE

File Number: GOV/00054

Author: Bernadine Tucker (Director Corporate Service)

Authoriser: Tim Clynch (Interim Chief Executive Officer)

Attachments: 1. CONFIDENTIAL - Candidate Nomination Form [13.1.3.1 - 2 pages]

PURPOSE

For Council to note the resignation of the Presiding Member of the Audit, Risk and Improvement Committee and to appoint a new Presiding Member and Deputy *of* the Presiding Member.

BACKGROUND

Under the *Local Government Act 1995*, Council must appoint an independent person as the Presiding Member of the Audit, Risk and Improvement Committee (ARIC). Council must also appoint an independent Deputy of the Presiding Member and may appoint an independent Deputy Presiding Member. Only the Deputy of the Presiding Member is permitted to chair an ARIC meeting.

At the Ordinary Council Meeting held on 28 October 2025, Council appointed Ms Nanette Trask as Presiding Member of the ARIC and Mr Peter Zhou as Deputy Presiding Member. The Town did not appoint a Deputy of the Presiding Member. Ms Trask has since advised that she is no longer able to continue in her role. As Council have not appointed a Deputy of the Presiding Member, the Town is now unable to hold ARIC meetings.

Further, on reviewing the appointment of the independent members to the ARIC, their term of office has not been resolved by Council. This report addresses these matters.

DISCUSSION

Council last considered the appointment of independent members at the Ordinary Council Meeting held on 28 October 2025. As this was only six months ago, it is recommended that Council reconsider the remaining candidate for the role of Presiding Member. Officers recommend the candidate in Attachment 1 for appointment as their experience and qualifications align with the requirements of the role. This candidate has been contacted and is still interested joining the Town's ARIC.

It is also recommended that the appointment of the Deputy Presiding Member, Mr Zhou, be amended to be the Deputy of the Presiding Member to fulfill our statutory obligation.

The term for independent members appointed to the ARIC should also align with the local government election cycle, being a two-year term. Accordingly, it is recommended that the Presiding Member and Deputy of the Presiding Member be appointed for a term expiring on 16 October 2027.

PAST RESOLUTIONS

Ordinary Council Meeting 28 October 2025, Council Resolution 167/25

That Council:

1. *Appoints:*

- a. *Ms Nanette Trask as the Presiding Member of the Audit, Risk and Improvement Committee.*
 - b. *Cr Annette Suann as the Presiding Member of the Claremont Town Centre Advisory Committee.*
 - c. *Cr Ryan Brown as the Presiding Member of the Foreshore Advisory Committee.*
 - d. *Cr Sara Franklyn as the Presiding Member of the Lake Claremont Advisory Committee.*
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- ## FINANCIAL AND STAFF IMPLICATIONS

POLICY AND STATUTORY IMPLICATIONS

Part 7 Division 1A of the *Local Government Act 1995*.

Nil.

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

- URGENCY**

VOTING REQUIREMENTS

OFFICER RECOMMENDATION

That Council:

1. NOTES the resignation of Ms Nanette Trask as the Presiding Member of the Audit, Risk and Improvement Committee;
2. APPOINTS the candidate in Attachment 1 as the Presiding Member of the Audit, Risk and Improvement Committee for a term expiring on 16 October 2027; and
3. AMENDS the appointment of Mr Peter Zhou to be the Deputy of the Presiding Member of the Audit, Risk and Improvement Committee for a term expiring on 16 October 2027.

AMENDMENT**Moved:** Mayor Peter Telford**Seconded:** Cr Graham Cameron

That item 3 be removed from the Officer Recommendation.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main**Against:** Nil**CARRIED 8/0****AMENDED OFFICER RECOMMENDATION AND COUNCIL RESOLUTION****COUNCIL RESOLUTION 57/26**

That Council:

1. NOTES the resignation of Ms Nanette Trask as the Presiding Member of the Audit, Risk and Improvement Committee;
2. APPOINTS the candidate in Attachment 1 as the Presiding Member of the Audit, Risk and Improvement Committee for a term expiring on 16 October 2027.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main**Against:** Nil**CARRIED BY ABSOLUTE MAJORITY 8/0**

13.1.4 LIST OF PAYMENTS 1 TO 31 MARCH 2026

File Number:	FIM/00108-003, D-24-30398
Author:	Hasreen Syed Maule (Manager Finance)
Authoriser:	Tim Clynych (Interim Chief Executive Officer)
Attachments:	1. Payment Listing - March 2026 [13.1.4.1 - 5 pages] 2. Purchase Card - March 2026 [13.1.4.2 - 5 pages] 3. Fuel Cards - February 2026 [13.1.4.3 - 2 pages]

PURPOSE

For Council to note payments made by the Chief Executive Officer under delegated authority during the month of March 2026.

BACKGROUND

Council has delegated to the Chief Executive Officer (CEO) the exercise of its powers to make payments from the Municipal Fund and Trust Fund.

The CEO is required to present a list to Council of all payments made, under this delegated authority since the last payment list was submitted to Council.

DISCUSSION

Attached is the list of all accounts as paid totalling \$3,709,329.71 during the month of March 2026.

Payment Method	Amount
Municipal Funds electronic funds transfers (EFT)	\$3,250,397.19
Municipal Fund cheques	\$0.00
Municipal Fund direct debits	\$458,932.52
Total	\$3,709,329.71

All invoices have been verified, and all payments have been duly authorised in accordance with Council's policies and procedures.

PAST RESOLUTIONS

Ordinary Council Meeting, 31 March 2026, Resolution 45/26

That Council notes all payments made by the Chief Executive Officer under Delegation DA 2.1.5 for February 2026 totalling \$2,055,525.14 as detailed in Attachment 1 comprising:

- *Electronic funds transfer from the Municipal funds of \$1,880,878.11*
- *Direct debit from the Municipal funds of \$174,647.03*

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 – 13.

Town of Claremont Delegation Register – DA 2.1.5 Payment of Accounts.

COMMUNICATION AND CONSULTATION

Nil

STRATEGIC COMMUNITY PLAN**Leadership and Governance**

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

- Demonstrate a high standard of governance, accountability, management and strategic planning.
- Manage our finances responsibly and improve financial sustainability.

URGENCY

The schedule of payments is to be presented to the next ordinary meeting of Council after the list has been prepared, under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 58/26

Moved: Cr Annette Suann

Seconded: Cr Kate Main

That Council:

NOTES all payments made by the Chief Executive Officer under Delegation DA 2.1.5 for March 2026 totalling \$3,709,329.71 as detailed in Attachment 1 comprising:

- Electronic funds transfer from the Municipal funds of \$3,250,397.19
- Direct debit from the Municipal funds of \$458,932.52

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Nil

CARRIED 8/0

13.1.5 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2026

File Number:	FIM/00079-002
Author:	Letticia Chagonda (Accountant), Nicholas Rule (Senior Accountant)
Authoriser:	Tim Clynch (Interim Chief Executive Officer)
Attachments:	1. Financial Statements - March 2026 [13.1.5.1 - 9 pages]

PURPOSE

For Council to note the Statement of Financial Activity (Financial Statements) for the period ended 31 March 2026.

BACKGROUND

The Financial Statements are presented to Council in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

DISCUSSION

The Financial Statements (**Attachment 1**) represent the 2025/26 operations to 31 March 2026 and compare year to date expenditure and revenue against the corresponding adopted budget of Council including the amendments made at the mid-year budget review.

The year-to-date balance (YTD) of \$8,383,544 to 31 March 2026 is compared directly with the budget YTD of \$7,546,784. This is a favourable variance of \$836,760.

As detailed below, the \$836,760 variance is comprised of the following:

Opening Surplus	No variance to budget
Operating Revenue	Favourable variance of \$384,609
Operating Expenditure	Favourable variance of \$171,851
Non-cash adjustments	Unfavourable variance of \$16,335
Capital Revenue	No variance to budget
Proceed from disposal of assets	No variance to budget
Capital Expenditure	Favourable variance of \$296,635
Net borrowing and lease payments	No variance to budget
Net reserve transfer	No variance to budget

In accordance with regulation 34(2)(b) of the *Local Government (Financial Management) Regulations*, material variances between budget and actuals must be explained.

The measurement of the materiality is a percentage or value which is adopted each financial year by Council. The variances shown below have used the threshold of \$20,000 and 20%, as per Council Resolution 95/25 of 9 July 2025.

Operating Revenue	
Rates	No variance analysis required, variance to budget is less than 20%
Operating grants, subsidies and contributions	No variance analysis required, variance to budget is less than 20%
Fees and charges	No variance analysis required, variance to budget is less than 20%
Interest earnings	No variance analysis required, variance to budget is less than 20%
Other revenue	Favourable variance of \$125,098 mainly due to: • Unbudgeted, reimbursement from LGIS for employee costs, \$43,472. • Variance of \$41,588 for reimbursements from tenants. • Unbudgeted, commission from the Art Award, \$4,161. • Unbudgeted, insurance reimbursement from for St Quentin Avenue Street damage from June 2025, \$15,724. • Unbudgeted, reimbursement from previous tenant at the Station Masters House, \$14,820.
Profit on asset disposal	No variance to budget
Operating expenses	
Employee costs	No variance analysis required, variance to budget is less than 20%
Materials and contracts	No variance analysis required, variance to budget is less than 20%
Utility charges	No variance analysis required, variance to budget is less than 20%
Depreciation and amortisation	No variance analysis required, variance to budget is less than 20%
Insurance expenses	No variance analysis required, variance to budget is less than 20%
Interest expense	No variance analysis required, variance to budget is less than 20%
Other expenditure	No variance analysis required, variance to budget is less than 20%
Loss on asset disposal	No variance to budget
Investing Activities	
Capital grants, subsidies and contributions	No variance to budget
Proceed from disposal of assets	No variance to budget
Purchase of property, plant and equipment	No variance analysis required, variance to budget is less than 20%

Purchase and construction of infrastructure	No variance analysis required, variance to budget is less than 20%
Payments for intangible assets	No variance to budget
Financing Activities	
Repayment of borrowings	No variance to budget
Proceed from borrowings	No variance to budget
Payment for principal portion of lease liability	No variance to budget
Transfer to reserve	No variance to budget
Transfer from reserve	No variance to budget

Loans

As shown on page 6 of Attachment 1, the Town of Claremont has three loans with no security or covenants. The table below shows the opening and closing balances for 2025/2026 and the required repayments. Additionally, it sets out the maturity date for each loan.

	Principal Balance 1 July 2025	Repayments required for 2025/26				Principal Balance 30 June 2026
Loan 2C	\$3,812,296	Date	Principal	Interest	Total	\$3,459,323
331 Stirling Highway		15 Sep 25	\$174,666.81	\$79,459.69	\$254,126.50	
4.17% interest rate		13 Mar 26	\$178,307.39	\$75,819.11	\$254,126.50	
	Maturity date: 13 March 2027 (balloon payment of \$3,345,607)					
Loan 3	\$509,621	Date	Principal	Interest	Total	\$446,069
327 Stirling Highway		26 Dec 25	\$31,426.14	\$11,339.08	\$42,765.22	
4.45% interest rate		26 Jun 25	\$32,125.37	\$10,639.85	\$42,765.22	
	Maturity date: 26 June 2032 (no balloon payment)					

At the Ordinary Council Meeting on 28 October 2025, Council resolved to payout the Aquatic Centre Loan from the Future Fund Reserve. The loan payout was transacted on 15 December 2025.

PAST RESOLUTIONS

Ordinary Council Meeting 31 March 2026, Council Resolution 46/26

That Council:

1. Notes the Statement of Financial Activity covering the period 1 July 2025 to 28 February 2026.

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality.

COMMUNICATION AND CONSULTATION

The Town is required to prepare and submit a report to Council for the Statement of Financial Activity for each month, reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) of the *Local Government (Financial Management) Regulations 1996*.

STRATEGIC COMMUNITY PLAN**Leadership and Governance**

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

- Manage our finances responsibly and improve financial sustainability.

URGENCY

Monthly Statements of Financial Activity must be submitted within two months after the end of the month to which the statement relates in accordance with regulation 36(4) of the *Local Government (Financial Management) Regulations 1996*.

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 59/26

Moved: Cr Sara Franklyn

Seconded: Cr Graham Cameron

That Council:

NOTES the Statement of Financial Activity covering the period 1 July 2025 to 31 March 2026.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Nil

CARRIED 8/0

13.2 LIVEABILITY

Mayor Peter Telford declared a financial interest in this item and left the meeting at 7:33pm.

Deputy Mayor Cr Paul Kelly assumed the chair as Presiding Member.

13.2.1 LOT 84 (93) SHENTON ROAD, SWANBOURNE - PROPOSED EXTENSION OF SCREENING

File Number: 03PEA/25/3510

Author: Tianqi Xiao (Senior Planner)

Authoriser: Tim Clynych (Interim Chief Executive Officer)

Proposed Meeting Date: April 28 2026

DA No.: DA25-169

60/90 Days Due Date: 90 days

Property Owner: Sean Alex Beasley & Diana Alejandra Beasley

Applicant: Statuo Construct Pty Ltd

Lot No.: 84

Zoning: R20

Attachments:

1. Location & Submission Map [13.2.1.1 - 1 page]
2. Plans [13.2.1.2 - 1 page]
3. Supporting Photos [13.2.1.3 - 5 pages]
4. CONFIDENTIAL - Annotated Photos [13.2.1.4 - 2 pages]
5. CONFIDENTIAL - Collated Submissions [13.2.1.5 - 9 pages]

Planning and Development Act 2005 (PD Act)

Enabling Legislation: ***Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)***

Local Planning Scheme No. 3 (LPS3)

SUMMARY

The Town received a development application on 8th December 2025 for the extension of screening along the inside of a boundary fence at Side Piece Deli located at Lot 84 (93) Shenton Road, Swanbourne. The screen intends to buffer the interface between adjoining properties and mitigate potential amenity impacts such as noise or passive smoke from coming into Side Piece Deli.

The application was referred to the adjoining property at No. 91 Shenton Road for comment. Submissions were received objecting to the proposal.

As objections have been received, the application is required to be determined by Council. Following assessment against the relevant planning framework, the proposal is considered acceptable and is recommended for approval, subject to appropriate conditions and advice notes.

PAST RESOLUTIONS

The past Council Resolution relevant to this application was made at Ordinary Council Meeting 27 May 2025, (Resolution No. 66/25).

At its meeting held on 27 May 2025, Council resolved to grant Development Approval for proposed alterations to existing 'Shop (Intermediate)' subject to standard conditions and advice notes.

The current application relates to the extension of an existing approved screening structure on the site.

Heritage

The subject site is included on the Town's Heritage List but is not on the State Register. The application was referred to the Town's Heritage Officer, who provided the following advice:

The proposed screening has no impact on views of the place from the primary public domain, so has no impact to identified heritage values.

No other referral to external agencies is required.

COMMUNICATION/CONSULTATION

The application was advertised for a period of 14 days in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs), commencing on 17 March 2026 and concluding on 1 April 2026.

A Notification Letter was sent to the adjoining neighbour closest to the proposed screening structure.

The application was advertised to one adjoining neighbour. Two submissions were received: one from the adjoining neighbour (comprising two items of correspondence) and one from a nearby neighbour. Both neighbours objected to the proposal and their grounds for objection and officer response are summarised in the table below:

A full copy of the submissions is attached to this report.

Summary of Submissions	Officer Comment
Compliance and Approval of Existing Structure - Existing structure differs from approved plans (design, steel vs timber, location on eastern rather than western boundary). - Concern that the original approval was based on incorrect or misleading information. - Building permit does not constitute development approval. - Structure is non-compliant with the Fencing Local Law and/or boundary wall provisions.	The current application relates to the extension of an approved and constructed screen structure. The proposed extension uses complementary materials and construction to balance of the screen. This proposal is assessed on its own planning merits. Issues raised relating to the compliance, construction, or approval pathway of the existing structure are not relevant development considerations and therefore does not form part of this assessment.
Classification, Height and Built Form Structure should be treated as a fence or boundary wall.	The structure is a transparent screen element affixed to an existing structure which is separate to the fence. It is situated within the boundary and inside of the boundary fence alignment.

• Height of approximately 2.8m exceeds typical fencing limits and lacks explicit approval. • Structure is not a true pergola and instead functions as a solid wall. • Screening fixed to the pergola creates a solid barrier.	The proposal increases the extent of screening along the boundary to close a gap. This represents a continuation of an existing screening treatment, rather than the introduction of a new built form.
Amenity Impacts (Ventilation, Heat and Enclosure) • Extension blocks airflow and significantly reduces ventilation. • Screening reaches verandah roof height, limiting air circulation. • Plastic sheeting blocks airflow and creates stagnant conditions. • Increased heat and temperature within the adjoining property. • Creates a sense of enclosure and “wall effect” (likened to a solid barrier). • Structure results in the property being “fully enclosed”. • Previously open conditions have been altered. • Extension is not necessary and was not historically present.	The neighbouring property has a solid masonry wall extending along the boundary for a considerable distance. The screen will extend for a much shorter length, however any reduction in airflow and localised change in microclimate is unlikely to cause any health or amenity risk to a non-habitable commercial space. The screen is vertical, transparent and does not result in a fully enclosed structure. It retains a degree of openness consistent with screening elements. The adjoining property has a roof structure, which has not been constructed to meet contemporary building codes and that is more likely to influence ventilation and openness in this location. The proposed extension of screening when viewed in the context of the existing extensive run of boundary wall does not represent a significant change. A detailed assessment of the above matters is provided in the section below.
Other Matters (Consent, Character and Personal Concerns) • Previous consent from neighbour was granted but is now withdrawn. • Longstanding neighbour relationship (approx. 40+ years) impacted. • Property perceived as being fully fenced in and altering character. • Concerns regarding applicant conduct and “pushing the envelope”. • Request for refusal of the application and demolition of the structure. • Fire rating of the screen and its safety in the event of a fire • Concern that approval would reinforce previous Council errors.	These matters are noted. The proposal is located along a side boundary and is not prominent from the public realm, resulting in negligible impact on streetscape character. The screen and its materials are suitable for purpose and meet Australian Building codes. Concerns have previously been raised regarding noise from the subject site. Likewise Side Piece raised an issue of fugitive cigarette smoke from the adjoining property. In this regard, the extension of screening is a practical measure to improve the overall amenity of both commercial premises.

OFFICER'S COMMENTS

Site Context

The subject site (No.93 Shenton Road) shares a boundary with the adjoining commercial property (No.91 Shenton Road). A dividing fence currently exists between the two properties. There is a short gap between the existing screen structure and the masonry garage wall, with each structure located within its respective property and running aligned with the boundary.

Along this side boundary, there are several historical instances of encroachment and irregular boundary conditions (refer to the attachment – Annotated Photos).

For example, an existing roof structure from No.91 Shenton Road extends across the boundary alignment, with a supporting column located inside No.93 (inside of the boundary fence). This is relevant to the extent that blanket statements about boundaries and alignments cannot be sustained. It is a problematic alignment of structures, many of which predate evidence of approval to contemporary standards. The screen is compliant with current standards.

It is understood that both parties are in current discussion about the findings of a feature survey along the length of that boundary. The screen is located well within the known boundary and so can be approved by Council.

Existing Approved Structure

A vertical structure has previously been approved along a portion of the side boundary interface. The structure does not extend to the full height of the adjoining roof structure, presenting an opening between the two structures that allows for ventilation.

The structure has been certified by a structural engineer and building certifier. It comprises a steel frame with Ez Glaze polycarbonate sheeting, which is non-combustible and complies with the National Construction Code and relevant Australian Standards for flammability requirements.

Proposed Structure

The proposed extension maintains the same design and height as the approved structure, being 2.9m in height and 2.9m in length conditions (refer to the attachment – Annotated Photos). The extension is located wholly within the subject site and follows the alignment of the existing approved structure.

The structure is not enclosed and does not constitute a roofed element. Accordingly, it is not required to achieve a fire resistance rating.

Officer's Assessment

The proposed extension maintains the same design, materials and height as the previously approved structure, and is appropriately regarded as a continuation of the established screening treatment along the boundary. In determining the application, Council is required to have regard to the planning framework under Local Planning Scheme No. 3, including the zoning of the land, the existing approved use of the site, the amenity of the locality, heritage considerations, and the orderly and proper planning of the area.

The proposal does not alter the approved use of the land, increase the intensity of commercial activity, or otherwise change the function of the site. Rather, it comprises a minor physical modification to the side boundary interface associated with the existing approved development.

A dividing fence is already in place along the common boundary. The proposed structure is located wholly within the subject site and is more appropriately characterised as a screening element associated with the approved development, rather than as a boundary fence. The structure is not enclosed and does not

constitute a roofed element. Matters relating to fire resistance, structural adequacy and construction compliance are regulated separately under the Building Act 2011 and the National Construction Code and are not determinative planning considerations for the purpose of this assessment.

The screening consists of fixed panels within a steel frame and continues the established design treatment along the side boundary. It is aligned with the existing approved structure and presents as an incremental extension of that treatment, rather than a new or visually distinct form of development. It is also relevant that the adjoining property already contains built form in this location, including a roof structure along the boundary interface, which already informs the degree of openness and ventilation available between the two properties.

The concerns raised by objectors in relation to ventilation, enclosure, fire rating and general amenity have been considered. While the extension may result in some change to the immediate boundary interface, the proposal is limited in scale and extent and must be assessed in the context of the existing built form condition, including the dividing fence, existing screening and adjoining roof structure. In that context, the proposal does not materially alter the established relationship between the two properties to an unreasonable degree.

It is also noted that concerns have previously been raised by a few neighbours regarding noise generated from the approved use of the subject site. In this respect and although the noise levels are not considered excessive based upon noise level monitoring by the Town, the extension of the screening proposed may provide an incidental benefit in improving acoustic separation between the properties, with a corresponding benefit to residential amenity for neighbours as well as for the operators of Side Piece Deli.

On balance, having regard to the planning framework under LPS3, the existing approved use of the site, the established built form context and the amenity of adjoining land, the proposal is not considered to give rise to unreasonable adverse planning impacts and is considered acceptable.

FINANCIAL AND STAFF IMPLICATIONS

There may be financial and staff implications for the Town should the decision result in the applicant requesting a State Administrative Tribunal review. There are no third-party appeal rights to the Tribunal.

POLICY AND STATUTORY IMPLICATIONS

In accordance with the LPS Regs, Council may:

- a) Grant development approval without conditions; or
- b) Grant development approval with conditions; or
- c) Refuse development approval.

STRATEGIC COMMUNITY PLAN

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.

CONCLUSION

The application seeks approval for a modest extension to an existing approved screening structure associated with the existing approved development at the site. The proposal does not alter the approved land use, does not materially intensify the use of the site, and is not visually prominent from the public realm.

Having regard to the zoning and planning context of the land under LPS3, the heritage context of the site, the existing built form along the shared boundary, and the amenity impacts on the adjoining property, the proposal is not considered to give rise to unreasonable adverse planning impacts. On balance, the development represents an acceptable outcome and is recommended for approval subject to conditions and advice notes.

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 60/26

Moved: Cr Jill Goetze

Seconded: Cr Kate Main

That Council:

Grant Development Approval for a proposed extension of screen structure at Lot 84 (93) Shenton Road, Claremont subject to the following conditions and advice notes:

1. All development shall occur in accordance with the approved drawings received by the Town on 3 February 2026, as amended by these conditions.
2. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the Town of Claremont.

Advice Notes:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.

Note 4: This is a Development Approval only and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.

Note 5: Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:

- i. Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
- ii. On a Sunday or on a public holiday.

For: Deputy Mayor Cr Paul Kelly, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Cr Ryan Fernandes and Cr Graham Cameron

CARRIED 5/2

Mayor Peter Telford resumed the chair as Presiding Member at 7:44 pm.

13.2.2 HERITAGE MAINTENANCE GRANT - 15 GOLDSMITH ROAD CLAREMONT

File Number:	1903
Author:	Eddie Marcus (Heritage Officer)
Authoriser:	Tim Clynych (A/Chief Executive Officer)
Proposed Meeting Date:	26 April 2026
DA No.:	N/A
60/90 Days Due Date:	N/A
Property Owner:	Robyn A Chew
Applicant:	Idris Matthews
Lot No.:	67
Area of Lot:	1,012m²
Zoning:	R15/20
Attachments:	1. CONFIDENTIAL - [Door and Surrounds] 15 Goldsmith Road Quotation 2 [13.2.2.1 - 1 page] 2. CONFIDENTIAL - [Windows] 15 Goldsmith Road Quotation 1 [13.2.2.2 - 1 page] 3. CONFIDENTIAL - [Windows] 15 Goldsmith Road Quotation 2 [13.2.2.3 - 2 pages] 4. Images - 15 Goldsmith Road [13.2.2.4 - 7 pages] 5. CONFIDENTIAL - [Door and Surrounds] 15 Goldsmith Road Quotation 1 [13.2.2.5 - 1 page] 6. 15 Goldsmith Rd App - Front Door - Redact [13.2.2.6 - 2 pages] 7. 15 Goldsmith Rd App - Windows - Redact [13.2.2.7 - 2 pages]

Enabling Legislation:	<i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i> Local Planning Policy 124 – Heritage (LPP124) Council Policy LV130 – Mike Balfe Heritage Maintenance Grants (LV130)
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SUMMARY

An application for a Mike Balfe Heritage Maintenance Grant (Heritage Maintenance Grant) has been received for a heritage listed dwelling at 15 Goldsmith Road, Claremont. The grant amount requested is \$3,850.00.

The proposal is to undertake sanding and repainting of an original (1899) wooden front door and restoration / repair of original (1899) stained (leadlight) glass windows. The works are on a part of the dwelling that faces the street.

The property has high heritage significance, and the works will contribute to the conservation of the dwelling. It is recommended that the requested grant amount be issued.

PURPOSE

To request Council approval to issue a Heritage Maintenance Grant to the value of \$3,850.00 to undertake nominated maintenance and repair works to 15 Goldsmith Road, Claremont.

BACKGROUND

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
11 March 2026	Application received
31 March 2026	Report written

PAST RESOLUTIONS

Nil.

HERITAGE

The property is included on the Town's Heritage List and is described as:

The single-storey painted brick residence has a simple form hipped corrugated iron roof that extends over the perimeter verandahs. The verandahs are supported by turned timber posts. Double storey rear addition. Landscaped garden setting.

The Statement of Significance is:

15 Goldsmith Road is a fine representative example of a pre-1900 Federation Bungalow style residence in a landscaped setting. The interior of the place is not of heritage significance.

DISCUSSION

The residence at 15 Goldsmith Road, Claremont, is an 1899 Federation-era residence and is included on the Town's Heritage List (Significance Level 2: Considerable).

The application seeks a grant amount of \$3,850.00 (50% of the below) to undertake:

- Sanding, painting, repair and finishing of dilapidated original wooden front door and entry surrounds in Victorian house (1899). Cost -- \$2,750.00
- Restoration / repair of original (1899) stained (leadlight) glass windows. Cost -- \$4,950.00

Justification

The leadlight around the front door is badly fatigued and at the end of its life span. The single high-light window is broken. The lead in the round framed window is badly fatigued and at the end of its life span. See attached photographs.

The door is heavily aged and heavily damaged with delaminated paint.

An analysis of the door and lead lights supports the applicant's claim that these are very likely to be original:

- Deeply moulded, raised-and-fielded panels: The heavy, multi-layered panel mouldings and geometric "diamond" centre panels are characteristic of late-Victorian joinery. By the 1900s–10s, panel details usually became simpler and flatter under Edwardian design trends.
- Hardware placement and proportions of the door set: The combination of a large round centre door pull (common in the 19th century), the small high-mounted knocker, and the proportions of the frame and sidelights (tall, narrow, ornamental) all fit the typical stylistic cues of domestic entrances built in the 1890s.

- Coloured geometric leaded sidelights: The narrow side panels with small square/rectangular coloured glass pieces are typical of the 1880s–90s. Victorian stained glass often used rich reds, greens, and ambers in simple grid layouts like this before the more delicate pastel Edwardian styles became popular.

Council may match the resident's financial contribution towards eligible heritage maintenance works (up to a maximum value of \$5,000) for a place included Town's Heritage List. Council Policy LV130: Mike Balfe Heritage Maintenance Grants specifies:

Eligible works include painting or repainting of appropriate surfaces on the outside of the building, restoration works, ... repair and/or replacement of walls and windows

LPP124 does not specify requirements for restoration and repair, but the following guideline is considered good heritage practice:

Respect Original Fabric and Materials

- *Retain and repair rather than replace wherever possible.*
- *When replacement is unavoidable, use materials and techniques that match the original in appearance, durability, and craftsmanship.*

Maintain Authentic Character and Details

- *Preserve defining architectural features such as decorative trims, verandahs, windows, and masonry detailing.*
- *Avoid introducing modern alterations that compromise the dwelling's heritage significance or visual integrity.*

Use Sensitive and Reversible Methods

- *Employ repair techniques that are minimally invasive and, where possible, reversible, so future conservation work is not restricted.*

These criteria are met by this application.

An assessment of the application against Local Planning Policy 124 – Heritage and Council Policy LV130 – Mike Balfe Heritage Maintenance Grants demonstrates that eligibility and general policy requirements have been met, namely:

- ✓ The eligible proposed works are compliant with LPP124 and LV130. It should be noted that since the works can be considered maintenance needed to conserve the heritage fabric, a Development Application is not required in this instance.
- ✓ The place has 'Considerable Significance' within the Town's heritage stock and so has demonstrated heritage value.
- ✓ The proposed works are timely and represent a prudent and proactive approach and align with sound heritage conservation practice. The street aspect of the house and its door will be enhanced by the works.
- ✓ The dwelling has not received any planning concessions relative to density or consideration of deemed provision cl.12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- ✓ Quotations breaking down the elements of this project were submitted along with the application, along with accompanying photographs.
- ✓ The project is achievable, and the quotations demonstrate the costs are in line with those expected for such a project.
- ✓ The project can be completed within the required timeframe (six months)

FINANCIAL AND STAFF IMPLICATIONS

Council annually budgets funding for provision of these grants with the funds drawn from the Heritage Grant Reserve. Any unspent/unallocated grant funds in the annual budget are returned to the reserve at the end

of the year. As of 31 March 2026, the Heritage Grant Reserve fund held approximately \$60,000. Approval of this application will reduce the reserve funds available for the Mike Balfe Heritage Maintenance Grant by \$3,850.00.

POLICY AND STATUTORY IMPLICATIONS

The application is consistent with Local Planning Policy 124 – Heritage, and Council Policy LV130 – Mike Balfe Heritage Maintenance Grants

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.

URGENCY

Nil

CONCLUSION

Based on the above, it is recommended that Council approves the application from the owner of 15 Goldsmith Road, Claremont, for a Heritage Maintenance Grant of \$3,850.00.

VOTING REQUIREMENTS

Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

COUNCIL RESOLUTION 61/26

Moved: Cr Sara Franklyn

Seconded: Cr Graham Cameron

That Council:

Approves the application from the owner of 15 Goldsmith Road, Claremont for a Mike Balfe Heritage Grant for \$3,850.00.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Graham Cameron, Cr Annette Suann, Cr Jill Goetze, Cr Sara Franklyn and Cr Kate Main

Against: Nil

CARRIED 8/0

13.2.3 PUBLIC SPACE IMPROVEMENT PLAN

Town of Claremont - Public Space Improvement Plan

This item was removed from the agenda by the Chief Executive Officer.

UNCONFIRMED

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Suann shared that she attended Christmas drinks, the 125th year celebration at the tennis club, the Citizenship Ceremony and the Anzac Day service, she thanked the administration, RSL and Mayor Telford for their contributions on the day.

Cr Goetze shared that she attended the Anzac Day service and had received positive feedback and interest in the 44th base battalion. She also attended a Right of Way (ROW) public information session with about 60 other people in favour of a public strategy, the Citizenship Ceremony which demonstrates what a multicultural society we have which is safe and happy, the History in a coffee cup event and the Councillor function at the tennis club.

Cr Franklyn shared that she attended the celebration at the tennis club which provided an opportunity to meet staff and the new Chief Executive Officer and thanked Tim and the staff for the time taken to organise the event, their feedback and input. She has received very positive feedback from the Anzac Day service and especially regarding the street signs decorated with poppies and local stories.

Cr Main shared that she had attended the Western Metropolitan Roads group meeting on tree retention, the function at the tennis club and the Anzac Day service.

Cr Fernandes shared that he had attended the Anzac Day service, the tennis club function, concept forums and the WALGA Central Metropolitan Zone meeting.

Deputy Mayor Kelly shared that he had attended the WMRC meeting for their budget, concept forums, the Citizenship Ceremony for about 20 people and the WALGA Central Metro Zone meeting with Cr Fernandes and the Anzac Day service where the information on the 44th Battalion was very well received.

Cr Cameron shared that he had attended the Christmas in April with staff and the new Chief Executive Officer, the Tree Retention Policy and Waste Management workshops and ROW information session. He congratulated the Town on the Anzac Day service.

Mayor Telford thanked Cr Goetze for facilitating the ROW information session along with the administration and thanked David Vinicombe for his legacy to the Town. Thank you to Cr Main for her continued push for safer streets with Davies Road in the news and thank you to Deputy Mayor Kelly for being MC on Anzac Day and other Councillors who attended on the day. Thanks to John Burrridge and David Thomas from the RSL who worked with Kristy and Rachael from the administration on this event. Mayor Telford shared that he attended the Scotch College Anzac Day service which was a very moving service, and that it is great to see so many members of our community come out to join others on this day.

Mayor Telford extended his thanks to Jack from the Post Newspaper for his tremendous poppy article in the lead up to Anzac Day.

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

Nil.

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

Nil

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 26 May 2026 at 7.00pm.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 8:00pm.

UNCONFIRMED