

TOWN *of* CLAREMONT

Minutes

Ordinary Council Meeting

Tuesday 26 May 2026

Tim Clynch
Interim Chief Executive Officer

DISCLAIMER

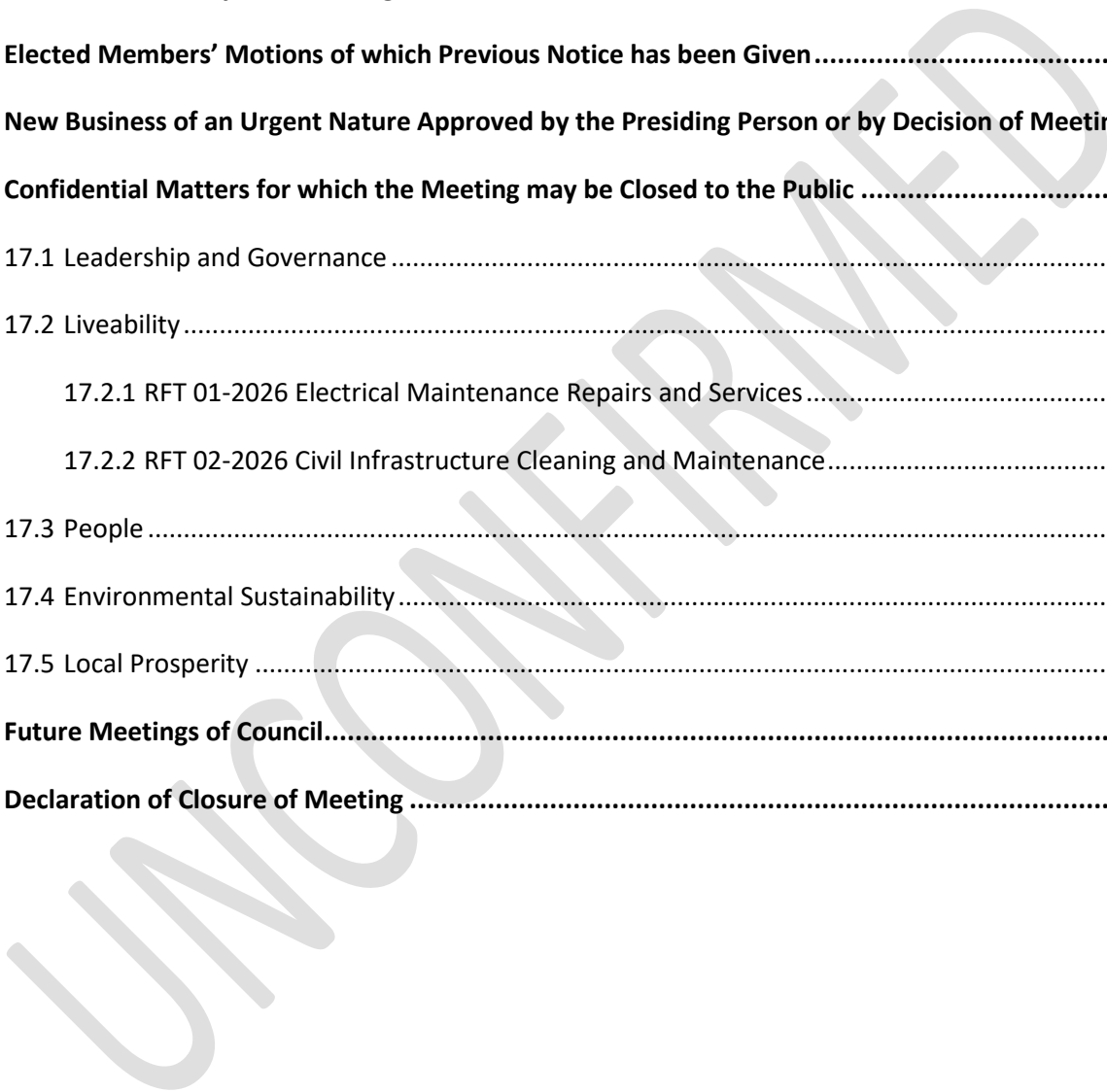
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UNCONFIRMED

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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 7:01 pm.

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

Mayor Peter Telford
Deputy Mayor Cr Paul Kelly
Cr Ryan Fernandes
Cr Ryan Brown
Cr Annette Suann
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 (Manager Governance)
Winnie Tansanguanwong (Coordinator Governance)
Ashleigh Dorrell (Corporate Communications Officer)
[17] members of the Public, [1] member of the Press

APOLOGIES:

Cr Graham Cameron
Cr Kate Main

LEAVE OF ABSENCE:

Nil

3 DISCLOSURE OF INTERESTS

Financial Interest

Item 13.2.1 14 CHESTER ROAD, CLAREMONT - RECONSIDERATION OF DECISION ON APPLICATION FOR ADDITIONS AND ALTERATIONS TO HERITAGE LISTED DWELLING	
Cr Ryan Brown	I am a director of a professional services firm which has an ongoing working relationship with the architectural firm used for this development.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Public question time opened at 7.04pm

Jay Leary of Claremont

Question 1

Why does the Town consider that it is appropriate to turn century old laneways into fully fledged roads (lighting, guttering, widening)?

Answer 1

The Town’s existing network of ROWs is predominantly privately owned and in poor repair. Adjoining property owners are required to use the ROW network for access under the Local Planning Scheme (where practical) and concerns have been raised by these owners over the state of the network. In addition, the network is poorly drained and has in the past contributed to flooding of adjoining properties. As you will see from this report to Council, the proposal for widening is proposed to be removed from the Strategy, and lighting is to be negotiated with adjacent owners when construction proposals are presented to reduce the impact on neighbours.

Question 2

Has the Town considered the impact on residents of increased use of laneways by non-residents as a result of the upgrades (including in relation to noise and impact on trees and vegetation)?

Answer 2

As indicated above, the proposed revision to the Strategy no longer includes widening the network, hence limiting impacts on vegetation and trees. Properly paving the existing narrow network is unlikely to increase noise impacts from the network on adjacent residents.

Question 3

What level of consultation and direct input into the design and construction does the Town expect to allow residents who live immediately adjacent to a laneway that is being redeveloped?

Answer 3

In addition to the recommended secondary consultation on the revisions to the Strategy, direct consultation with adjoining residents will be required when specific proposals for closure and dedication are prepared for each ROW in the network and also as part of preparing construction plans.

Question 4

Does the Town expect an increase in rates as a result of the redevelopment of the laneways, including a general increase or imposition of special area rates?

Answer 4

As indicated in the report, it is proposed to be funded from the Town's capital works programme over the next 10 years through reductions in the footpath renewal programme and reductions in the roads renewal works. The net effect is that funding from other programmes can be redirected to this programme as a priority project for the Town. Therefore, no additional funding will be required from adjoining owners or from an increase in rates specifically for this purpose.

Reg Bateman of ClaremontQuestion 1

When a dangerous hazard and safety issue is identified what is Council's time frame for taking action to resolve that dangerous road issue, acknowledging that once the dangerous road is recognized Council can be held legally responsible for accidents/deaths that might occur in that scenario under Duty of Care legislation

Answer 1

The Town has the responsibility to investigate all reported or identified hazards as soon as possible. Appropriate remedies are applied to address any hazard permanently, or if not possible, to put temporary measures in place. At all times the intention would be to make the situation safe.

Allegations are sometimes made of a situation as being dangerous, and the Town investigates these by assessing information and data related to the alleged dangerous situation. The data analysis would usually provide guidance as to an acceptable approach to the allegation. This process usually takes some time, firstly to gather the information, secondly to assess the information and lastly to provide an appropriate response to the situation.

On the matter of liability, this can only be assessed based on the facts of the matter and cannot be responded to in a hypothetical situation.

Martha Cavanagh of ClaremontQuestion 1

Can Council clarify how the approved verge treatment complies with clauses 2.1(c) and 2.8(2)(b)(ii) of the Activities on Thoroughfares and Public Places Local Law, including the requirement for a minimum 2 metre clear pedestrian access area adjacent to the kerb where no footpath exists, and whether the Town has independently verified the available clearance on site?

Answer 1

Cl 2.1 refers to General Prohibitions covering a range of activities with Clause c referring to the planting of plants.

This is however overridden by the provisions of Cl 2.8 which provides for Permissible Verge Treatments. The quoted subclause 2.8 b ii refers to verges where no footpath has been provided.

In the case of 12 College Rd, the question is moot as a footpath has indeed been provided.

Question 2

At what point does an approved verge treatment cease to function as public verge land and instead operate as a practical obstruction to public use, and what objective criteria does the Town apply consistently when assessing:

- pedestrian safety and accessibility;
- required clearances;
- streetscape consistency;
- and whether verge landscaping remains compatible with the public nature of the land?

Answer 2

All verge treatments are assessed for safety and accessibility.

In the case of 12 College Rd, the verge treatment is considered appropriate, as it does not impede pedestrian movement on the footpath.

The verge treatment on any road frontage naturally varies and the approved verge treatment is considered appropriate for the area.

Question 3

Given the Town's Verge Landscape Guidelines promote biodiversity-supportive planting, why was the use of ornamental species (Agave and succulents)

- with limited biodiversity value,
- wasn't on the verge landscaping application, over local native bird and insect attracting flora which is on the landscaping application?
- aren't listed on any recommended/approved verge plant lists supplied by TOC or Water Corp
- not in keeping with the street scape

Answer 3

While natives are recommended for the reasons provided, the plant species have been considered and found to be acceptable for the landscaped area.

Question 4

Has the Town undertaken any assessment of increased trip, fall, or vehicle-damage risk associated with landscaped verge barriers in areas experiencing parking pressure, building activity, or constrained road widths?

Answer 4

The landscaped area at 12 College Rd has been permitted to have a temporary protection barrier erected to prevent accidental damage to the planted area. Once well established, the barrier will be required to be removed.

At this stage there is no indication of the barriers being trip hazard as they are

- Do not intrude into the road or footpath
- Sufficiently high to not be tripped over

Of a colouring visible to pedestrians using the adjacent footpath and to drivers of vehicles using the road.

Question 5

Is the TOC planning on modifying the "parking on verges" after reviewing EN302 with the review of the parking laws in the coming months and will the public be engaged for input?

Answer 5

The Town is currently reviewing eight local laws including the Parking Local Law 2016. The public have been invited to make submissions on the local law review by Friday 26 June 2026. Policy EN302 does not relate to parking on verges. Rather, this policy supplements the Town's Activities on Thoroughfares and Public Places Local Law and Verge Landscaping Guidelines by providing guidance on "permissible verge treatments" on verges adjacent to properties.

Elizabeth Borthwick of ClaremontQuestion 1

Given consultation on the proposed Tree Retention Local Planning Policy closed in October 2025, when is the policy expected to next come before Council?

Answer 1

Officers are working to finalise the draft LPP 211 and expect it to be advanced to Council for consideration in June or July.

Question 2

Did the community consultation undertaken on the proposed Tree Retention Local Planning Policy demonstrate significant community support for progressing the policy and when will the consultation results be publicly released?

Answer 2

The consultation received 154 responses. Of these, 139 supported the policy as advertised and 9 responses raised issues and concerns.

The overall response rate as a proportion of the population of the Town is only 1.17% of the total Town's population, noting also that some of the respondents may not live in the Town.

Sarah AllchurchQuestion 1

Prior to the last local government election, all current councillors indicated in writing that they would commit to adopting a Tree Retention Local Planning Policy if the community supported it.

Given the Town has publicly stated that consultation feedback was "strongly supportive", does Council intend to progress the policy during the current Council term?

Answer 1

Yes, there will be a revised policy prepared by officers and will be ready for the June or July Meeting.

Public question time closed at 7.26pm

6 PUBLIC STATEMENT TIME

Public statement time opened at 7.27pm

Renae Canterbury of Bayswater

Regarding item 13.2.1 14 Chester Road, Claremont - Reconsideration of Decision On Application For Additions And Alterations To Heritage Listed Dwelling

Renae Canterbury spoke in support of the development application.

Andra Biondi of Perth

Regarding item 13.2.1 14 Chester Road, Claremont - Reconsideration of Decision On Application For Additions And Alterations To Heritage Listed Dwelling

Andra Biondi spoke in support of the development application.

Michael Mellor of Claremont

Regarding Item 13.2.2 ROW STRATEGY - Review

Michael Mellor spoke against the item.

Public statement time closed at 7.43pm

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Deputation

Alex McGlue of Perth made a deputation against item 13.2.1 14 Chester Road, Claremont - Reconsideration of Decision on Application for Additions and Alterations to Heritage Listed Dwelling.

Petition

COUNCIL RESOLUTION 62/26	
Moved:	Cr Annette Suann
Seconded:	Cr Ryan Fernandes
That Council	
<ol style="list-style-type: none"> 1. RECEIVES the petition from Craig and Martha Cavanagh relating to a review of Council Policy EN302 – Road Verges. 2. REQUESTS the CEO prepare a report for Council’s consideration. 	
For:	Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn
Against:	Nil
CARRIED 7/0	

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION 63/26

Moved: Deputy Mayor Cr Paul Kelly

Seconded: Cr Annette Suann

That the minutes of the Ordinary Meeting of Council held on Tuesday 28 April 2026 be confirmed.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

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

17.2.1 RFT 01-2026 ELECTRICAL MAINTENANCE REPAIRS AND SERVICES

17.2.2 RFT 02-2026 CIVIL INFRASTRUCTURE

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

12 REPORTS OF COMMITTEES

12.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

Nil

12.2 CLAREMONT TOWN CENTRE ADVISORY COMMITTEE

Nil

12.3 FORESHORE ADVISORY COMMITTEE

Nil

12.4 LAKE CLAREMONT ADVISORY COMMITTEE

12.4.1 MINUTES OF THE LAKE CLAREMONT ADVISORY COMMITTEE MEETING HELD ON 14 MAY 2026

File Number: GOV/00051-005

Author: Isabelle Cadman (Administration Officer - Parks and Environment)

Authoriser: Tim Clynych (Interim Chief Executive Officer)

Attachments: 1. Minutes - Lake Claremont Advisory Committee - 14 May 2026 [12.4.1.1 - 51 pages]

COUNCIL RESOLUTION 64/26

Moved: Cr Sara Franklyn

Seconded: Cr Jill Goetze

That the Minutes of the Lake Claremont Advisory Committee Meeting held on 14 May 2026 be received.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13 REPORTS OF THE CEO

For the convenience of the public gallery, the following items were brought forward in the Agenda:

Item 13.2.2 ROW - Strategy Review

Item 13.2.1 14 Chester Road, Claremont - Reconsideration of Decision On Application For Additions And Alterations To Heritage Listed Dwelling

13.2 LIVEABILITY

13.2.2 ROW STRATEGY - REVIEW

File Number: LND/00078

Author: David Vinicombe (Executive Strategic Projects) David Vinicombe (Executive Strategic Projects)

Authoriser: Tim Clynch (Interim Chief Executive Officer)

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

Attachments:

1. Final Draft Rights of Way Strategy 2026 Following Council March 26 [**13.2.2.1** - 155 pages]
2. Confirmed Public Minutes Ordinary Council Meeting 31 March 2026 [**13.2.2.2** - 4 pages]
3. Schedule of Modifications ROW Strategy May 2006 [**13.2.2.3** - 5 pages]
4. Track changed revised Draft Rights of Way Strategy May 2026 for secondary consultation [**13.2.2.4** - 160 pages]
5. Clean revised Draft Rights of Way Strategy May 2026 for secondary consultation [**13.2.2.5** - 157 pages]

PURPOSE

The Town has advertised the Draft Rights of Way (ROW) Strategy which has received considerable concern from the community during the consultation period which expired on 15 May 2026. General concerns raised include:

1. Funding proposals, specifically the potential for the Town to fund proposed works through Specified Area Rates.
2. Widening proposals for ROWS through development and subdivision approval processes.
3. Lighting proposals
4. Revision of proposals for Langsford Street - ROWs 39 and 40.
5. Rationale for measuring support.
6. Rationale for closure, dedication and retention options for individual ROWs.

This report proposes to specifically address these matters and recommends that the Draft Strategy be amended to address these concerns and be referred out for further public consultation prior to formally considering submissions and adoption of the ROW Strategy (noting that other specific matters already raised during the recent consultation period expiring on 15 May will be addressed when the final Strategy and all submissions are presented to Council for consideration, following the secondary consultation period).

OFFICER RECOMMENDATION

That Council:

1. Endorse the modified Draft Rights of Way Strategy dated May 2026 for a minimum 28-day public consultation period with consultation to include written notification to all adjoining property owners, the holding of a forum/information session and notices being placed on the Town website providing links to the draft Strategy.
2. Note modifications to Draft Rights of Way Strategy as detailed in this report and Attached Schedule of Modifications to address concerns raised by the public on the initial Draft Strategy, as follows:
 - a) Remove the proposals for widening of the Rights of Way network through the Development Approval (Easement) and Subdivision Approval process.
 - b) Confirm that the proposed funding source of the Rights of Way construction program will be through normal budget allocations for Infrastructure Capital Works programs considered on an annual basis and as detailed in this report.
 - c) Consider lighting proposal options to reduce the impact of light spill on adjacent property for individual Rights of Way as part of preliminary designs for separate Rights of Way construction programs in consultation with adjoining owners.
 - d) Provide clarity on options for Council to consider measures of support from adjoining property when considering individual Right of Way actions.
 - e) Provide clarity on how recommended actions for closure, dedication and retention for individual Rights of Way have been assessed.
 - f) Modify access proposals for Rights of Way 39 and 40 to maintain the existing situation relative to pedestrian access, vehicle access direct to Guger Street and rear garage access for 2 Mary Street.
3. Request a further report following the consultation period to consider formal adoption and proposed amendments to Council Policy LV108 - Rights of Way/Laneways consistent with the Rights of Way Strategy.
4. Note that implementation of the proposed Rights of Way upgrade program will require refinement and prioritisation of individual Rights of Way upgrade proposals in the preparation of each annual Council Budget.
5. Note that submissions received on other matters raised during the initial consultation period on the Draft Rights of Way Strategy and the secondary consultation period will be given consideration by Council on conclusion of the secondary consultation period and report back to Council for final adoption/consideration.

BACKGROUND

The total length of the private ROWs in the Town is 5,893.21m (approx. 5.9km) and the length of Council/Crown owned ROWs is 2,495.51m (approx. 2.5km). The total ROW network is some 8,388.72m (approx. 8.4km). The ROWs service vehicular access to approximately 485 properties (plus additional strata lots).

Historically, ROWs were in the main created for rear-lot access and mostly remain in the names of original subdividers or defunct companies. Currently, 58 of the 79 ROWs are privately owned, creating significant management complexities for both adjoining (and benefiting) landowners and Council, particularly as cl.36(6) of Local Planning Scheme No. 3 requires adjoining property owners to use the ROW as the primary source of vehicular access if practical.

Current legislative restrictions prevent the Town from maintaining these private assets using ratepayer funds, except for limited drainage works.

DISCUSSION

The primary goals of the advertised Draft ROW Strategy were to transition the ROW network into a safe, functional, and well-managed public asset through:

1. Rationalising Tenure: Converting private ROWs into underwidth public roads to allow for Town-led maintenance.
2. Enhancing Safety: Implementing lighting (solar) and 'Crime Prevention Through Environmental Design' principles.
3. Improving Access: Requiring widening (to 5–6m) through the development (easement) and subdivision (widening) processes to support two-way traffic and service vehicles.

Items 2 and 3 above have received significant concern from residents during the initial public consultation period. It is proposed that these goals be reviewed as part of this report.

The Draft ROW Strategy identifies that a 2021 Asset Condition Report confirmed that many are in "Very Poor" condition, with inadequate drainage and surfacing.

It is noted that the initial survey of the ROW network was conducted some time ago and in the interim period, upgrades and maintenance has occurred in some of the ROWs, which will need to be reviewed in response to submissions already received when the revised Draft ROW is represented back to Council for further consideration following the secondary consultation period as recommended in this report.

The Strategy then reviews the ROW network and proposes upgrades based on a four-tier priority system for management:

4. Priority 1 (17 ROWs): Critical upgrades requiring dedication, full paving, drainage, and lighting.
5. Priority 2 (36 plus 2 part ROWs): Generally well-maintained ROWs requiring supplementary solar lighting (plus incidental specified drainage upgrades).
6. Priority 3 (4 plus 3 part ROWs): Recommended for closure.
7. Priority 4 (12 plus 1 part ROW): Recommended to remain in private ownership.
8. A further 5 ROWs require further consideration in the proximity of Stirling Highway, pending a separate access study associated with the final gazettal of Amendment No. 138 to Local Planning Scheme No. 3.

Independent Engineering consultants have estimated the following preliminary costs for the purposes of establishing approximate financial implications of implementing a construction programme for the upgrading of the existing ROW network. These cost estimates have been verified by the Town's Engineering services, noting they will need to be further refined through a test reconstruction project e.g. Cactus Lane, once dedication arrangements have been finalised:

- Paving – \$300 + 25% contingencies (\$75) = \$375/m²

- Drainage - \$50 + 25% contingencies (\$12.50) = \$62.50/m²
- Kerbing/speed humps/driveway and road tie-ins/fence repairs – \$50 + 25% contingencies (\$12.50) = \$62.50/m²
- Lighting (Solar) – \$30 + 25% contingencies (\$7.50) = \$37.50/m²
- Total per m² - \$537.50/m²

Based on the above, the cost for:

- Constructing, draining and lighting the 17 Action Priority 1 ROWs should be approx. \$3.89m (\$3,889,600.09).
- Priority 2 works including lighting of 36 plus 2 part ROWs (17 Council/Crown ROWs and 19 plus 2 part private ROWs) are estimated at approximately \$807,000 (\$806,863.46), plus additional isolated drainage upgrades approximating \$196,000 (\$196,257.13) - totalling approximately \$1m (\$1,003,120.59), noting that some portions of the ROWs which have previously been constructed are in need of maintenance and reconstruction.
- The total cost for works associated with this program is estimated at approximately \$4.89m (\$4,892,720.68), noting that additional administration costs will also apply to resource staffing for the program (dependant on the number of staff employed and period of program), survey costs and DPLH registration fees to roll out of the program over a Council specified timeframe.

The Draft Strategy reviews a number of implementation options, however legal advice confirms that dedication under the *Land Administration Act 1997* is the lowest-risk pathway to achieve comprehensive paving, drainage and lighting upgrades. This requires demonstratable support from approximately 70-75% of adjoining owners of each ROW.

PAST RESOLUTIONS

Council resolved on 31 March 2026 as follows:

That Council:

1. **Endorse the Draft Right of Way Strategy for a 28-day public consultation period.**
2. **Request a further report following the consultation period to consider formal adoption and proposed amendments to Council Policy LV108 - Rights of Way/Laneways consistent with the Right of Way Strategy.**
3. **Note that a test reconstruction project (e.g., Cactus Lane) will be considered in the preparation of the 2026/27 annual budget to verify engineering costs, to be implemented once the impacted Rights of Way have been closed and dedicated for public use.**
4. **Note that implementation of the proposed Right of Way upgrade program will require consideration of additional staff and financial resources in the preparation of the 2026/2027 annual Council Budget.**
5. **Note that implementation of the proposed Right of Way upgrade program will require refinement and prioritisation of individual Right of Way upgrade proposals in the preparation of each annual Council Budget.**

FINANCIAL AND STAFF IMPLICATIONS

The total estimated program cost is approximately \$4.89m (\$4,892,720).

- Priority 1 works: Approximately \$3.89 million (\$3,889,600.09).
- Priority 2 works: Approximately \$1m (\$1,003,120.59).
- Additional staffing and administration/registration and survey costs (TBD).

The proposed 10-year implementation plan requires an annual budget allocation of \$500,000 (plus additional staffing, administration/registration and survey costs - TBD), which is comparable to the Town's existing footpath and road maintenance programs.

Legal advice notes that compensation resulting from closure of a private ROW may be claimed by the owner of the ROW, however provided each laneway is correctly characterised as a private road for the purposes of the LAA, the Town is unlikely to incur compensation liability by reason only of the section 52 acquisition or the subsequent section 56 dedication, although this remains subject to confirming the relevant tenure position and the classification of the land as a private road.

It is proposed that during the annual budget preparation, that Council will refine the implementation program to determine specific upgrade works proposed for each financial year, and in the first year, consider staff and resourcing requirements as part of the 2026/2027 annual Council Budget.

POLICY AND STATUTORY IMPLICATIONS

This report is prepared in accordance with the Town of Claremont's strategic objective to manage municipal assets effectively and follows legal advice regarding the *Local Government Act 1995* and the *Land Administration Act 1997*.

COMMUNICATION AND CONSULTATION

There are no specific requirements for the advertising of the Draft ROW Strategy, however as the proposed processes will involve the seeking of Ministerial support for the closure and dedication for public use of private ROWs, establishment of broad community support for the program is imperative. It was recommended that Council advertise the Draft Strategy for a period of 28 days.

As part of the Council's support for the advertising of the Draft ROW Strategy, it was requested that an information session be held with the public on the proposals.

It is noted that there were difficulties in arranging a suitable date for the Information Session with sufficient notice due to delays in preparing and delivery 1,762 letters to adjoining residents and other competing Council obligations (meetings) and staff resourcing.

An informal information session was held by the Interim Chief Executive Officer and Executive Strategic Projects on 23 April 2026, which was attended by approximately 60 residents. It is noted that this session was held as a 4 hour informal drop-in session where residents spoke individually with the Town's officers to gain clarity on the Draft Strategy proposals. No formal presentation was provided to allow the emphasis to be placed on the individual resident's understanding of how the proposals would impact their circumstances.

Due to delays in the receipt of letters advising of the consultation and Information session, a number of residents have raised concerns over the notice period for the session and requests have been made for a further session to be held. Modifications to the Draft Strategy, together with the proposed secondary consultation period will allow for an additional information session to be conducted with additional notice.

It is noted that at the time of writing this report, the initial consultation period had closed, and 96 (plus 2 late) submissions had been received on the advertised Draft Strategy. While there has been support for the proposals, there has been significant concerns raised regarding general matters such as widening, funding, lighting and Langsford Street ROWs 39 & 40 proposals, together with requests for clarity on matters relating to the Strategy's rationale relating to the recommendations for specific ROWs and how support measures will be assessed. These matters are addressed in detail below and form the basis of modifications to the Draft ROW Strategy which are proposed to be readvertised for public comment in a secondary consultation period. Noting that other matters have been raised in the submissions received to date, these will be addressed as part of the final report to Council on the Draft Strategy.

Widening

Concerns have been raised over proposals contained in the Draft Strategy relating to widening of ROWs to 5/6m to allow for improved traffic flow through providing passing points for traffic and frequently stopping servicing vehicles. Residents are of the view that the current widths of ROWs in the network are sufficient to support traffic flow and the proposals for widening through Development Approval conditions for easements and Conditional Subdivision approval requirements for widening and ceding of land are inappropriate.

Noting the concerns raised, the Town's Director of Infrastructure has confirmed that the current width of the ROW network is overall sufficient to accommodate traffic flow as it has done for years with passing points being informally available in the network. The informal passing points generally result from setbacks required for rear garages adjacent the ROWs and associated 6m wide manoeuvring areas to gain access (e.g., a garage adjacent a 4m wide ROW will require a 2m setback to achieve the 6m manoeuvring area). The access setback effectively provides informal passing spaces in the network, which will improve as more garages are constructed over time.

Accordingly, it is recommended that the requirement for widening of ROWs be removed from the Draft Strategy and note that passing points will be provided as informal points associated within technical setback areas associated with the construction of garages adjacent ROW boundaries.

It is noted however, that the Western Australian Planning Commission (WAPC) through the Department of Planning Lands and Heritage (DPLH), is the responsible authority for determining subdivisions (on advisement of servicing authorities and local government). As indicated in the Draft ROW Strategy, the WAPC Planning Bulletin 33 (2017) Rights-of-way or laneways in established areas, independently promotes the widening of ROWs and accordingly may, despite any matter to the contrary in a local ROW Strategy, still impose widening conditions on subdivision approvals consistent with Bulletin 33. It is noted however, that if the Strategy does not contain widening requirements, comments from the Town on subdivision proposals which exclude widening requirements for ROWs may result in widening conditions not being required, however this cannot be guaranteed.

Funding

Concerns have been raised that Specified Area Rates would be an unnecessary burden on adjoining residents in the construction upgrades for the ROW network.

While this option is raised in the Draft Strategy (as this type of funding source has been employed by other local authorities) it is noted that at end of the ROW Specific Recommendations (page 34) of the Draft Strategy that:

Given the cost-sharing mechanisms like Specified Area Rates introduce other complexities and as the envisaged costs presents a manageable improvement plan program which upgrades all vehicle access in the Town’s road network to a safe and suitable standard, it is recommended that the program be managed through an implementation program service through municipal rates.

While individual upgrades to the network of ROW’s will be considered as part of the annual Council budget process for Infrastructure capital works allocations, the Town’s Director of Infrastructure has identified as follows:

The ROW funding may be sourced from the Town’s capital works programme over the next 10 years.

This may be facilitated by the reduction in the footpath renewal programme which has largely focused on the replacement of the slabbed footpaths with concrete footpaths. This programme will be completed in the 2026/27 financial year.

In a similar vein, the demand for roads renewal works has reduced to the point where the majority of road improvements can be funded from grant funding with fewer being funded from the Town’s funding resources.

The net effect is that funding from the redirection of funding from these programmes is available to be directed to the ROW and other projects which have been raised in priority.

Therefore, there will be no additional funding required from adjoining owners or from an increase in rates specifically for this purpose.

Accordingly, it is recommended that clarity be provided in the modified Draft ROW Strategy on the funding sources proposed for the ROW Construction Program as detailed above.

Lighting

Concerns have been raised in relation to lighting proposal for the ROW network in terms of light spill into adjoining properties and also potential for damage of bollard style lower level lighting.

It is noted that the WAPC has prepared guidelines on Safer Places by Design – Crime Prevention through Environmental Design (CPTED). Objective 1.3 Effective lighting of the Guidelines, indicates ‘Lighting design supports good surveillance, raises perceptions of safety and deters offending.’ The Guidelines include the following considerations and avoidances in designing a safe public environment.

Considerations	Avoid
Maximise opportunities for natural light penetration into public areas and for even well-lit spaces through careful building orientation and design	Dark spots

Provide effective lighting for CPTED measures while preventing/negating light spill. Consider AS/NZ 1158.3.1	Alcoves or recessed doorways
<p>Create a lighting strategy that supports passive surveillance of public areas. This may include the following considerations:</p> <ul style="list-style-type: none"> • Light pedestrian routes and spaces • Use lighting to enhance visibility at both ends and along the length of pedestrian routes • Focus lighting on areas that are intended for nighttime uses • Ensure alcoves, recessed areas and entrances/exits are well lit • Use lighting to facilitate good interior to exterior surveillance • Reduce contrast and shadow to avoid hiding places, consider appropriate levels of illumination • Allow for eyes to gradually adjust to changing light levels • Provide effective lighting to signage and pathways • Consider the appeal of fixtures to vandals and theft • Combine footpath and entrance lighting wherever possible 	Light pollution
Provide lighting at a range of heights for a range of surveillance points, avoiding glare from up-lights where possible	Excess lighting of areas not intended for use after dark
Consider using movement-sensored lighting where appropriate	Unshielded lighting at eye level
Ensure sufficient light coverage if one fixture fails	Locating lighting in areas shielded by vegetation, awnings or other barriers
Ensure the light fixtures are capable of being maintained and promptly fixed if broken	Placement of lighting fixtures that support climbing

Noting the concerns raised, Council has a public safety responsibility in ensuring the public ROW network is safety lit. However, lighting provision can take on a variety of forms and can be designed to reduce light spill impacts on adjacent private property through consideration of different level of lighting and shielding.

It is accordingly recommended that the Draft ROW Strategy retain the lighting proposals, but that options to reduce the potential for negative impacts on adjacent property be noted and that consideration for lighting designs options be consulted with adjacent landowners when preparing preliminary designs for individual ROWs.

Proposals for Langsford Street – ROWs 39 and 40

A number of concerns have been raised in submissions (including a Petition containing 141 signatures) and during telephone discussions concerning the proposal to return the existing pedestrian accessway constructed on ROW 40 to a ROW. This proposal was prepared some time ago resulting from former Department of Transport proposals to locate the Claremont bus station opposite the existing exit to the north of ROW 39. At that time redirection of the Guger Street exit was proposed to Langsford Street to address Bus Station egress proposals north of Guger Street. Given that the bus station was relocated west of the railway station, this redirection is no longer imperative. A review of the proposal has been undertaken by the Town’s Director of Infrastructure, and it is concluded that it would be best to retain ROW 40 as a

pedestrian path and maintain the existing ROW 39 route to Guger Street to ensure appropriate separation of pedestrian and vehicle movements.

Accordingly, it is recommended that ROW 40 be maintained for pedestrian use and the existing exit of ROW 39 direct onto Guger Street be maintained.

Rationale for Measuring Support of Recommended Actions

A number of concerns have been raised in submissions and during telephone discussions over how Council will measure support for any specific action relating to closure and/or dedication of private ROWs. Essentially, this is for the Minister for Lands to determine when specific actions are proposed by Council. While legal advice and correspondence from the Department of Planning, Lands and Heritage have both indicated that the general rule is to achieve clear support for any proposals, this can be generally measured as 70-75%.

While not specific to maintain some flexibility by the Minister in determining the merits of individual proposals, it would be prudent in the Strategy for Council to indicate how support may be measured for its decision making and recommendation processes.

To provide some clarity on how community feedback on individual actions are to be assessed by Council, and while maintaining some level of flexibility, it is proposed that support generally be assessed on the overall level of agreement or opposition. This is relatively straightforward where all the adjoining owners are single residential lots, but where group housing or strata developments occur, there may be some concerns about the single residential support being overwhelmed by larger opinion blocks.

In order to attempt to address these concerns, one such approach would be to provide each strata lot owner with one vote, while another could be to provide the whole strata development one vote only. While either of these could be deemed unfair, a possible more balanced approach would be to allocate proportional strata votes relative to their accessibility to the adjoining ROW. As an example, where the strata development has only one access and this is off the ROW, then it would be reasonable to provide one vote to each lot in the strata development. Alternatively, where there is only one access off the main street, then it may be reasonable for the strata development to have no vote. However, in many instances, there may be two or three access points to the strata development, and it would seem reasonable to have a proportional vote depending on what proportion of the strata lot has access the ROW. Therefore, if there were two access points with one being off the ROW, the strata lot could have 50% of their lot owners having a vote. Similarly, for a strata lot with three access points with one off the ROW, their lot owners would have only one third votes.

While the above rudimentary approach is possible and can be reflected in the Strategy, this matter will however be further explored to ensure a balanced approach is put in place when these matters are finalized prior to implementation of individual ROW actions.

Rationale for Closure, Dedication and Retention Options for individual ROWs

A number of concerns have been raised in submissions and during telephone discussions over how the Draft Strategy has accessed options for specific actions relative to individual ROWs (1-116).

For clarity, in general terms, where a ROW serves only a few properties and is apparently well maintained, it is proposed that the status quo be maintained and the ROW remain in private ownership. Where a ROW is larger and servicing multiple properties and is not well maintained, it is appropriate that the ROW be closed and dedicated for public use in order to allow Council to construct/maintain the ROW into the future. It is noted that some of the ROWs have portions where maintenance levels are high, but some sections are not well maintained. Recommendations for these larger ROWs (and similar ones which may be well maintained) become more subjective and accordingly could be retained in either private ownership or closed and dedicated for public use. In these instances, the Strategy can recommend an action either way, however if the Strategy supports closure and dedication, these matters can be further reviewed when specific proposals are actioned for the individual ROW. Where clear support can be identified (or not) as part of these future processes, this will inform Council and/or the Minister on the way forward for that ROW. Other ROWs (or parts thereof) have been identified for specific closure and apportionment to adjoining owners, and finally, ones adjacent to Stirling Highway have been identified as requiring a detailed Access Study as complex arrangements relative to the ROW (and easement) networks are required to address commercial traffic intrusion into adjacent residential areas.

In order to provide clarity on these matters in the Draft Strategy, it is recommended that the Strategy be modified to reflect the above.

Proposed Modifications

As per the attached Schedule of Recommended Modifications to the Draft Rights of Way Strategy, the following changes are proposed for secondary consultation and consideration by the local community:

1. Modify the Strategic Objectives of the ROW Strategy on page 3 as follows:
 - Rationalising Tenure: Converting private ROWs into underwidth public roads to allow for Town-led maintenance.
 - Enhancing Safety: Implementing 'Crime Prevention Through Environmental Design' principles to improve public safety in the ROW network through provision of lighting options which prevent light spill on adjacent property in consultation with adjacent property owners at the time of preparing preliminary designs for each individual ROW.
 - Improving Access: Continue to encourage current informal two-way traffic and service vehicle passing points in the ROW network in front of garages entering off ROWs in the 6m manoeuvring spaces and associated garage setbacks from ROW boundaries.
2. Insert the following paragraph on pages 4, 29 and 34 (revised to 36) to address funding concerns:

The ROW funding may be sourced from the Town's capital works programme over the next 10 years.

This may be facilitated by the reduction in the footpath renewal programme which has largely focused on the replacement of the slabbed footpaths with concrete footpaths. This programme will be completed in the 2026/27 financial year.

In a similar vein, the demand for roads renewal works has reduced to the point where most road improvements can be funded from grant funding with fewer being funded from the Town's funding resources.

The net effect is that funding from the redirection of funding from these programmes is available to be directed to the ROW and other projects which have been raised in priority.

Therefore, there will be no additional funding required from adjoining owners or from an increase in rates specifically for this purpose.

3. Remove the paragraphs contained in the section on Access/Widening on page 21 and replace with the following paragraph:

As can be noted from the Asset Condition Report, the widths of ROW's vary considerably within the Town and in some instances do not support two-way traffic flow or service vehicle passing points. Notwithstanding, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided, and accordingly opportunity for additional informal passing points will expand when applications for garages with access from ROWs are made.

4. Modify the first paragraph of page 23 (revised to 22) to address widening concerns as follows:

Notwithstanding that the preferred width of a ROW as outlined in the Western Australian Planning Commission's Planning Bulletin 33 (PB33) is 6m and that consideration may be given to a lesser 5m width, PB33 does provide for options to reduce the width where constraints preclude widening. While widening can be achieved through the application of conditions on Subdivision and Development Approvals, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided.

5. Modify the second last paragraph on page 24 (revised to 22 and 23) to add the following sentence:

Notwithstanding, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided.

6. Delete and modify the last paragraph on page 24 (revised to 23) to address widening concerns as follows:

Notwithstanding that widening of the ROW network can be achieved through the application of conditions on Subdivision and Development Approvals, the Town is of the view that the current network has operated appropriately for many years and can continue to provide informal two-way traffic and service vehicle passing points where the manoeuvring setback areas for garages adjacent the ROW are provided, and accordingly it is not recommended that the Town require widening of ROWs in the network as part of subdivision and development application considerations.

7. Provide an additional paragraph following the last paragraph of the section on Options to 'Support a ROW Construction and Maintenance Programme' on page 31 (revised to 32 and 33) to address how the 70—75% benchmark may be assessed, as follows:

While noting that the Minister for Lands will have their own measure to determine acceptable levels of community support for individual future ROW actions and noting that this Strategy can only guide Council recommendations to the Minister on individual actions this Strategy proposed that Council also maintain some levels of flexibility to determine the overall level of agreement or opposition to individual actions.

This is relatively straightforward where all the adjoining owners are single residential lots, but where group housing or strata developments occur, it is acknowledged that there may be some concern over the single residential support being overwhelmed by larger opinion blocks.

In these instances, a range of approaches could be implemented. One such approach would be to provide each strata lot owner with one vote, while another could be to provide the whole strata development one vote only. While either of these could be deemed unfair, a

possible more balanced approach would be to allocate proportional strata votes relative to their accessibility to the adjoining ROW. As an example, where the strata development has only one access and this is off the ROW, then it would be reasonable to provide one vote to each lot in the strata development. Alternatively, where there is only one access off the main street, then it may be reasonable for the strata development to have no vote. However, in many instances, there may be two or three access points to the strata development, and it would seem reasonable to have a proportional vote depending on what proportion of the strata lot has access the ROW. Therefore, if there were two access points with one being off the ROW, the strata lot could have 50% of their lot owners having a vote. Similarly, for a strata lot with three access points with one off the ROW, their lot owners would have only one third votes.

This approach will however be further explored to ensure a balanced approach is put in place when these matters are finalized prior to implementation of individual ROW actions.

8. Modify the paragraph in the middle of page 33 (revised to 35) commencing with 'Recommendations over the following pages...' to address concerns over how the recommended actions have been assessed:

Recommended individual ROW actions over the following pages take into account levels of service expectations and the following base principles. In general terms, where a ROW serves only a few properties and is apparently well maintained, it is proposed that the status quo be maintained and the ROW remain in private ownership. Where a ROW is larger and servicing multiple properties and is not well maintained, it is appropriate that the ROW be closed and dedicated for public use in order to allow Council to construct/maintain the ROW into the future. It is noted that some of the ROWs have portions where maintenance levels are high, but some sections are not well maintained. Recommendations for these larger ROWs (and similar ones which may be well maintained) become more subjective and accordingly could be retained in either private ownership or closed and dedicated for public use. In these instances, the Strategy can recommend an action either way, however if the Strategy supports closure and dedication, these matters can be further reviewed when specific proposals are actioned for the individual ROW. Where clear support can be identified (or not) as part of these future processes, this will inform Council and/or the Minister on the way forward for that ROW. Other ROWs (or parts thereof) have been identified for specific closure and apportionment to adjoining owners, and finally, ones adjacent to Stirling Highway have been identified as requiring a detailed Access Study as complex arrangements relative to the ROW (and easement) networks are required to address commercial traffic intrusion into adjacent residential areas.

The recommendations also take into account the following preliminary cost estimates for construction.

9. Modify the ROW Maps on pages 37 (revised to 40) and 76 (revised to 78) to maintain the existing access extension of ROW 39 to the north directly onto Guger Street.
10. Modify the final paragraph for ROW 39 on page 77 (revised to 79) as follows:

Other than to the northern end, little development has occurred along the ROW however it is presently a well-used access and has the potential to accommodate increased traffic flow. It is recommended that Council maintain the current ROW access extension to Guger Street and take ownership of the ROW to improve the surfacing, drainage and lighting.

11. Modify the recommendation for ROW 40 on page 78 (revised to 79 and 80) as follows:

Request the Minister to dedicate the land for management by the Town under Section 56 of the *Land Administration Act 1997* and retain the ROW for pedestrian use with limited vehicle access to the garage at the rear of 2 Mary Street being retained.

12. Remove the existing last paragraph for ROW 40 on page 79 (revised to 81) and replace with the following:

It is recommended that the Town take ownership of the ROW and maintain it for pedestrian use in addition to limited vehicle access to the garage at the rear of 2 Mary Street.

13. Remove all references to 'ceded or easements to be granted to allow for widening' from the ROW List (ROWS 1–16, 19-25, 27–40, 50–51, 53-57, 64-69, 71–72, 85–90, 92, 95, 99-100, 107, 111 and 113-115).

Other Changes from the Council resolution of 31 March 2026 are the deletion of:

- Reference to Cactus Lane being a test reconstruction budget for consideration in the draft 2026/27 budget, for the purpose of verifying engineering costs. Reasons – the draft budget has been prepared and funding for this work hasn't been included. It is proposed that the focus in 2026/27 will be on determining the land tenure arrangements for all existing privately owned rights of way recommended for dedication as a public road, and on commencing the design process for high priority rights of way recommended for upgrade. With final adoption of the ROW Strategy not expected until July at the earliest it is considered there is insufficient time to complete land tenure and design phases as well as commencing construction by June 2027.
- Reference to the notation that the implementation of the ROW Strategy will require consideration of additional staff and financial resources in the preparation of the 2026/27 budget. Reason: the draft budget has since been prepared and includes the required expenditure.

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.*

- Promote and support initiatives that improve traffic flow.

URGENCY

A firm Strategy for the management of ROWs in the Town has been identified as a Council priority. Prior to implementation of an upgrade program, further public consultation is required for the modified Draft Strategy to establish broad community support. Once a final Council adopted ROW Strategy is adopted, Council Policy LV 108 is to be reviewed consistent with the final Strategy. It is noted that individual private ROWs are to be dedicated for public use, and a pilot reconstruction program is required. These processes will take a year or more to fully implement and allow Council to consider full adoption of the program and the setting of construction priorities for individual ROW upgrades through the annual Council budget preparation processes.

OFFICER RECOMMENDATION

Moved: Cr Jill Goetze

Seconded: Cr Annette Suann

That Council:

1. Endorse the modified Draft Rights of Way Strategy dated May 2026 for a minimum 28-day public consultation period with consultation to include written notification to all adjoining property owners, the holding of a forum/information session and notices being placed on the Town website providing links to the draft Strategy.
2. Note modifications to Draft Rights of Way Strategy as detailed in this report and Attached Schedule of Modifications to address concerns raised by the public on the initial Draft Strategy, as follows:
 - a) Remove the proposals for widening of the Rights of Way network through the Development Approval (Easement) and Subdivision Approval process.
 - b) Confirm that the proposed funding source of the Rights of Way construction program will be through normal budget allocations for Infrastructure Capital Works programs considered on an annual basis and as detailed in this report.
 - c) Consider lighting proposal options to reduce the impact of light spill on adjacent property for individual Rights of Way as part of preliminary designs for separate Rights of Way construction programs in consultation with adjoining owners.
 - d) Provide clarity on options for Council to consider measures of support from adjoining property when considering individual Right of Way actions.
 - e) Provide clarity on how recommended actions for closure, dedication and retention for individual Rights of Way have been assessed.
 - f) Modify access proposals for Rights of Way 39 and 40 to maintain the existing situation relative to pedestrian access, vehicle access direct to Guger Street and rear garage access for 2 Mary Street.
3. Request a further report following the consultation period to consider formal adoption and proposed amendments to Council Policy LV108 - Rights of Way/Laneways consistent with the Rights of Way Strategy.
4. Note that implementation of the proposed Rights of Way upgrade program will require refinement and prioritisation of individual Rights of Way upgrade proposals in the preparation of each annual Council Budget.
5. Note that submissions received on other matters raised during the initial consultation period on the Draft Rights of Way Strategy and the secondary consultation period will be given consideration by Council on conclusion of the secondary consultation period and report back to Council for final adoption/consideration.

AMENDMENT 65/26

Moved: Deputy Mayor Cr Paul Kelly

Seconded: Cr Ryan Fernandes

That the motion be amended as follows:

1. Part 2(b) to be modified to replace the word "will" with "may" so that it reads:
 - b) Confirm that the proposed funding source of the Rights of Way construction program may be through normal budget allocations for Infrastructure Capital Works programs considered on an annual basis and as detailed in this report.

2. Add a new Part 6 added to read:
 6. Council implement a pilot construction program for an existing Town owned Right of Way in the 2026/27 financial year, with the specific Right of Way to be selected by Council. Funding of \$80,000 be allocated in the draft 2026/27 budget for these works.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

Reason:

1. The 2b reference to ‘may’ rather than ‘will’ is to be consistent with the direct references to changes proposed in the Draft Strategy.
2. Concern that Council needs to remain committed to testing the construction costs associated with the Strategy.

AMENDED OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 66/26

Moved: Cr Jill Goetze

Seconded: Cr Annette Suann

That Council:

1. Endorse the modified Draft Rights of Way Strategy dated May 2026 for a minimum 28-day public consultation period with consultation to include written notification to all adjoining property owners, the holding of a forum/information session and notices being placed on the Town website providing links to the draft Strategy.
2. Note modifications to Draft Rights of Way Strategy as detailed in this report and Attached Schedule of Modifications to address concerns raised by the public on the initial Draft Strategy, as follows:
 - a) Remove the proposals for widening of the Rights of Way network through the Development Approval (Easement) and Subdivision Approval process.
 - b) Confirm that the proposed funding source of the Rights of Way construction program may be through normal budget allocations for Infrastructure Capital Works programs considered on an annual basis and as detailed in this report.

c) Consider lighting proposal options to reduce the impact of light spill on adjacent property for individual Rights of Way as part of preliminary designs for separate Rights of Way construction programs in consultation with adjoining owners.

d) Provide clarity on options for Council to consider measures of support from adjoining property when considering individual Right of Way actions.

e) Provide clarity on how recommended actions for closure, dedication and retention for individual Rights of Way have been assessed.

f) Modify access proposals for Rights of Way 39 and 40 to maintain the existing situation relative to pedestrian access, vehicle access direct to Guger Street and rear garage access for 2 Mary Street.

3. Request a further report following the consultation period to consider formal adoption and proposed amendments to Council Policy LV108 - Rights of Way/Laneways consistent with the Rights of Way Strategy.

4. Note that implementation of the proposed Rights of Way upgrade program will require refinement and prioritisation of individual Rights of Way upgrade proposals in the preparation of each annual Council Budget.

5. Note that submissions received on other matters raised during the initial consultation period on the Draft Rights of Way Strategy and the secondary consultation period will be given consideration by Council on conclusion of the secondary consultation period and report back to Council for final adoption/consideration.

6. Council implement a pilot construction program for an existing Town owned Right of Way in the 2026/27 financial year, with the specific Right of Way to be selected by Council. Funding of \$80,000 be allocated in the draft 2026/27 budget for these works.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13.2.1 14 CHESTER ROAD, CLAREMONT - RECONSIDERATION OF DECISION ON APPLICATION FOR ADDITIONS AND ALTERATIONS TO HERITAGE LISTED DWELLING

Cr Ryan Brown declared a financial interest in this item and left the meeting at 8:09 pm.

File Number:	01SAT/25/0916
Author:	Tianqi Xiao (Senior Planner)
Authoriser:	Tim Clynych (Interim Chief Executive Officer)
Voting requirement:	Simple Majority decision of Council (<i>More than half the Council Members present are required to vote in favour</i>).
Proposed Meeting Date:	26 May 2026
DA No.:	01SAT/25/0916
Reconsideration Due Date:	12 June 2026
Property Owner:	David Wayne Cookson
Applicant:	Urbanista Town Planning
Lot No.:	35 & 36 Chester Road Claremont
Area of Lot:	1012 m ²
Zoning:	R15/20
Attachments:	<ol style="list-style-type: none"> 1. Location & Submission Map [13.2.1.1 - 1 page] 2. Plans [13.2.1.2 - 10 pages] 3. CONFIDENTIAL REDACTED - Applicant's Cover Letter [13.2.1.3 - 16 pages] 4. CONFIDENTIAL REDACTED - Applicant's Justification [13.2.1.4 - 9 pages] 5. CONFIDENTIAL REDACTED - Heritage Impact Statement [13.2.1.5 - 11 pages] 6. CONFIDENTIAL REDACTED - Collated Submissions [13.2.1.6 - 29 pages] 7. CONFIDENTIAL REDACTED - Applicant's Response to Submission [13.2.1.7 - 17 pages]

Enabling Legislation:	<p><i>Planning and Development Act 2005 (PD Act)</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i></p> <p><i>State Administrative Tribunal Act 2004</i></p> <p><i>Local Planning Scheme No. 3 (LPS3)</i></p>
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SUMMARY

On 12 June 2024, the Town received a development application for additions and alterations to the existing heritage-listed dwelling at 14 Chester Road, Claremont. The application was refused by Council and subsequently referred to the State Administrative Tribunal (SAT) for review.

Amended plans have since been submitted seeking reconsideration of the refusal decision. At its meeting on 31 March 2026, Council resolved to defer the matter to allow for further assessment and notification to adjoining neighbours.

Following additional advertising, submissions were received and have been considered in the assessment of the revised proposal.

The amended application has been assessed against the Residential Design Codes (R-Codes), Local Planning Scheme No.3 (LPS3), and Local Planning Policy 124 (LPP124).

This report seeks Council's determination on the revised application, having regard to the amendments made and submissions received. The proposal requires Council to exercise discretion in relation to boundary wall height, front fence height, sightlines, visual privacy, and the detached addition to the dwelling.

Non-compliance with R-Code deemed-to-comply provisions is not uncommon for heritage properties, due to the constraints of retaining their original form and significance. The proposed works are considered to provide a sympathetic outcome that supports the conservation and enhancement of the heritage-listed dwelling and contributes positively to the surrounding streetscape.

The application is recommended for approval, subject to conditions and advice notes.

OFFICER RECOMMENDATION

Council *determination*

That Council grant Development Approval for proposed additions and alterations to the existing single house at Lot 35 and 36 (14) Chester Road, Claremont as shown on the amended plans stamped received by the Town on 16 March 2026, subject to the following conditions and advice notes:

- 1. All development shall only occur in accordance with the revised drawings received by the Town on 16 March 2026, or as amended by these conditions.**
- 2. Prior to the occupation or use of the new upper floor verandah extension, landscape screening shall be installed along the northern boundary in accordance with approved plans (Drawing Number SA01.2), to the satisfaction of the Town of Claremont, comprising:**
 - i) A minimum of four evergreen Bay Laurel trees or approved equivalent evergreen species capable of achieving a minimum mature height of more than 2.4m, shall be planted abutting the dividing fence;**
 - ii) Trees of a minimum planting height of 1.6m, as measured from ground level at the time of planting;**
 - iii) Landscape screening to be established and maintained in accordance with the approved plans so as to provide an effective visual privacy screen to a minimum height of 4m at the boundary within two years of planting, to the satisfaction of the Town of Claremont; and**
 - iv) Any dead, diseased or failing plants to be replaced with the same species or an approved equivalent evergreen screening species, to the satisfaction of the Town of Claremont.**
- 3. Prior to the issue of a Building Permit, a Construction Management Plan is to be prepared and submitted to the specification and satisfaction of the Town of Claremont addressing:**
 - i) access to the site;**
 - ii) delivery and storage of materials; and**
 - iii) the parking of tradespersons.**

The approved Construction Management Plan is to be thereafter implemented for the duration of construction to the satisfaction of the Town of Claremont.

4. Prior to application for a Building Permit, a dilapidation report is to be prepared by a practising Structural Engineer and subsequently submitted for the adjoining properties at 12 Chester Road, Claremont and 4 Agett Road, Claremont, to the satisfaction of the Town of Claremont.
5. Prior to the application for a Building Permit, a Schedule of materials, colours and finishes is to be submitted to the satisfaction of the Town of Claremont.
6. The existing and/or proposed driveway being constructed with brick paving or concrete and drainage/soak wells to be provided to the satisfaction of the Town of Claremont.
7. Prior to occupation or use of the development, the redundant crossover(s) are to be removed, and the verge, kerb and footpath reinstated to the satisfaction of the Town of Claremont.
8. This development application relates only to the works/use on the property and separate approval must be obtained to construct any crossovers on the road verge.
9. All stormwater discharge shall be contained and disposed of on site and vehicle access designed in such a manner as to prevent storm water entering the property or discharging externally from the property, to the satisfaction of the Town of Claremont.
10. Street tree removal is not approved as part of this Development Approval.
11. Only the tree identified for removal on Drawing SA02 is permitted to be removed. Any additional removal of trees is not approved and will require a separate planning application to be lodged with the Town for assessment. No works, including removal, pruning or excavation, that may adversely affect the health of retained trees are permitted under this approval.
12. The approved parapet/boundary wall(s) and footings abutting the boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished to a satisfactory standard, as decided by the Town of Claremont.
13. 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.
14. Prior to the commencement of works, a Tree Protection Zone is to be implemented, in accordance with AS4970-2025, around the Queensland Box tree located within the Chester Road verge. The fixed barrier is to remain in place for the duration of construction 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. All Building Permit plans must be consistent with the Approved Plans in all respects. Permits for non-residential development must be certified prior to submission.

Note 5: A Demolition Permit may be required from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.

Note 6: The use of skip bins outside the property boundaries will only be permitted where approved in a Work Zone Permit.

Note 7: Under the *Environmental Protection (Noise) Regulations 1997*, noise from construction work is limited to 7.00am to 7.00pm Monday to Saturday inclusive.

Note 8: The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)] as stipulated by the *Occupational Health and Safety Regulations 1996* and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

Note 9: In regard to condition 2, the landscape screening required by this approval is to be installed, maintained and replaced where necessary at the cost of the landowner/applicant. The landscape screening is to be maintained for the life of the development, unless otherwise approved in writing by the Town of Claremont. Should the landscape screening not be maintained in a healthy condition so as to provide an effective visual screen, the Town may require the installation of a physical screen to protect adjoining properties from overlooking.

Note 10: In regard to condition 4, the applicant is advised that the dilapidation report is to be submitted to the Town of Claremont and the owners of the listed adjoining properties. The dilapidation report is to detail the current condition and status of all buildings (both internal and external together with surrounding paved areas and right-of-way), including ancillary structures located upon these properties.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Town of Claremont that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note 11: This approval does not authorise the use of the detached addition (pavilion) as an ancillary dwelling, separate dwelling, short-term accommodation or independent tenancy.

PAST RESOLUTIONS

There are two previous Council resolutions relevant to this application.

Ordinary Council Meeting of 17 December 2024 (Resolution No. 182/24)

The first resolution was made at the Ordinary Council Meeting of 17 December 2024 (Resolution No. 182/24), where Council resolved to refuse the original development application for the reasons set out in the Council Minutes.

Ordinary Council Meeting of 31 March 2026 (Resolution No. 42/26)

The second resolution was made at the Ordinary Council Meeting of 31 March 2026 (Resolution No. 42/26), where Council resolved to defer consideration of the application to the Ordinary Council Meeting of 28 April 2026 to allow for a more thorough consideration of the proposal and additional time to review community feedback.

The matter has subsequently been deferred to the Ordinary Council Meeting of 26 May 2026 to allow sufficient time for consultation with adjoining landowners, assessment of submissions received, and preparation of an updated report.

The current application responds to the reconsideration of Council's previous refusal, following the submission of amended plans by the applicant.

HERITAGE

The property is included on the Town's Heritage List.

External Referral

The amended application was referred to the National Trust of Western Australia (the Trust) in accordance with the requirements of Clause 79, of Local Planning Scheme No. 3. The Trust did not raise any objection to the amended plans.

Notwithstanding, the town values and welcomes the Trust's expertise, which provides an important heritage perspective in the assessment process. The Trust's broader role in heritage planning is consultative: it offers expert heritage advice and advocates for best-practice conservation, but it is not a decision-making or approval authority within the statutory planning framework.

By contrast, development affecting a place on the State Register requires mandatory referral to the State Heritage Officer under the *Heritage Act 2018*, and the advice provided in that process has statutory weight.

As the subject site is not State listed, there is no statutory requirement for referral.

Internal Referral

The property is included on the Town's Heritage List. The Town's Heritage Officer undertakes assessment under LPS3 as an integral part of the planning assessment. The application was therefore referred to the Town's Heritage Officer, who provided the following advice:

The following assessment addresses only the heritage-related components of the proposal. The proposed works have been evaluated against the relevant heritage policy (LPP124) and associated guidance.

Roof Works

- *Retention of original roof form/material where possible.*
- *Like-for-like replacement where original evidence exists.*
- *New roof elements must be concealed from primary street view and subordinate.*

The proposed works are strongly supported as a restoration of original material. Decorative reinstatement is consistent with 'retention and repair' principles. The turret is permissible due to concealment from the public domain and its location on non-original fabric.

Garage

- *New garages should be located at the rear where practical; front garages generally not supported.*
- *Where unavoidable, structures must remain subordinate and should not dominate the heritage place.*
- *Demolition of non-significant structures is generally supported.*

Although the garage remains forward of the house footprint (due to site constraints), it is set back beyond the primary building line, subordinate in scale, and replaces a non-contributing element. This is consistent with LPP124's flexibility for constrained sites.

Front Fence and Gates

- *Low, permeable front fences (~1.2 m typical, up to 1.8 m if permeable).*
- *No solid masonry front fences unless historically characteristic.*

The proposed fence meets permeability, scale, and materiality requirements.

Verandah Frieze

- *Verandah elements should be retained or reinstated based on evidence.*
- *Alterations should be reversible and avoid pastiche.*

- *Reconstruction acceptable where based on reasonable historic precedent.*

Minor concern but generally acceptable. The replacement frieze is not evidence-based, but it is consistent with period character and replaces a non-original element.

Rear Additions (Sunroom, Verandahs, Pavilion)

- *Be located at the rear and not within the front setback.*
- *Be subordinate and have minimal street visibility.*

Rear, low-visibility additions meet policy expectations and avoid impact on streetscape significance.

Conclusion

The Heritage Impact Statement demonstrates compliance with LPP124 objectives:

- *Conservation of significant fabric.*
- *Reinstatement of lost early material.*
- *Subordinate and sympathetic new work.*
- *No detrimental impact on the heritage significance or streetscape.*

COMMUNICATION/CONSULTATION

Consultation for Original Application

The original application (DA24-047) was advertised for a period of 14 days in accordance with the R-Codes and Clause 64 of the Schedule 2 deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, commencing on 16 August 2024 and concluding on 2 September 2024.

Letters were sent to landowners and occupiers in the immediate vicinity of the subject site where the proposed discretions could impact amenity.

At the conclusion of the consultation period, a total of two written submissions were received. Details of the submissions are provided in the Original Application Council Report (Resolution No. 182/24).

Consultation for Amended Application

The revised design and the amended plans respond to and address submission concerns. Further consultation has been undertaken to allow adjoining neighbour the opportunity to review the amended proposal and provide comments.

The amended application was advertised for a period of 14 days in accordance with the R-Codes and Clause 64 of the Schedule 2 deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, commencing on 14 April 2026 and concluding on 30 April 2026.

Letters were sent to landowners and occupiers in the immediate vicinity of the subject site where the proposed discretions could impact amenity.

Two submissions were received from one adjoining property (comprising a submission from the owner and a submission from a planning consultant acting on their behalf), objecting to the proposal. A further submission was received from another adjoining property expressing general support for the proposal, while seeking clarification on specific aspects of the development.

Key matters raised and the Officer Comments are summarised in the tables below.

Summary of Submissions	Applicant’s Response	Officer Comments
Submission 1 – Objection (submission from the owner and planning consultant acting on their behalf)		
Acknowledgement of Removal of Carport and Retention of Street Tree		
<p>Respondents acknowledged that the revised proposal addressed two original refusal grounds through removal of the proposed carport and retention of the Queensland Box street tree.</p>	<p>Applicant advised these amendments were deliberate design changes made in response to concerns raised by the Town and Council and to improve the overall planning outcome.</p>	<p>The amendments are acknowledged and are considered to satisfactorily address the previous concerns raised.</p>
Heritage Concerns and Assessment		
<p>Respondents considered the proposal to represent an overdevelopment of the heritage site and raised concerns regarding insufficient heritage assessment and inappropriate additions and alterations to the heritage dwelling.</p> <p>Respondents also considered the proposal to be an inappropriate integration of contemporary additions with the heritage dwelling, rather than a subordinate rear addition, resulting in a development that undermines the significance of the heritage place and presents as a substantially new development.</p>	<p>Applicants did not agree the proposal represents overdevelopment, noting the site remains developed as a single dwelling across two lots.</p> <p>Applicants advised the works are directed toward conservation and renovation of the heritage dwelling, including reinstatement of traditional materials and architectural elements.</p> <p>Applicant also stated the proposal removes and replaces existing rear structures and reduces the extent of the existing garage boundary wall, resulting in an improved heritage and planning outcome.</p>	<p>The concerns are acknowledged.</p> <p>The amended proposal has been assessed having regard to the heritage significance of the place, the existing built form on site and the established streetscape character. The proposal retains the primary heritage dwelling and incorporates conservation and restoration works.</p> <p>While new additions are proposed, these are generally located to the rear of the site and are considered sufficiently subordinate to the original heritage-listed dwelling. The proposal is considered to maintain the overall heritage significance and character of the place.</p>
<p>Respondents considered the application should be supported by an independent heritage assessment and reconsideration of discretionary planning variations.</p> <p>Respondents also raised concerns regarding the absence of supporting technical documentation, including an independent peer-reviewed heritage assessment, arborist</p>	<p>Applicant advised the proposal was prepared by Hocking Heritage + Architecture and incorporates restoration and conservation works with heritage-responsive design outcomes.</p> <p>Applicant also advised that remaining matters could be managed through conditions relating to materials,</p>	<p>An independent heritage peer review is not required under the formal assessment framework.</p> <p>The amended application was referred to the National Trust of Western Australia in accordance with Clause 79 of LPS3, and no objection was raised to the amended plans.</p> <p>The Town is satisfied that</p>

<p>assessment, dilapidation report, structural assessment and heritage management documentation.</p>	<p>landscaping, stormwater, construction management and protection of retained boundary elements.</p>	<p>sufficient information has been provided to assess the proposal and associated planning matters.</p>
<p>Respondents raised concerns that the impact of the proposed works on the adjoining Category 3 heritage property had not been adequately assessed, including potential structural impacts, subterranean impacts associated with below-ground services and long-term impacts on the significance and integrity of the adjoining heritage dwelling.</p>	<p>Applicant advised the proposal has been prepared having regard to the heritage significance of the site and adjoining context and does not create unreasonable impacts on adjoining properties.</p>	<p>The heritage significance of the subject site, together with the surrounding streetscape context, has been considered as part of the assessment.</p> <p>Having regard to the scale and form of the amended development, the proposal is not considered to result in unreasonable adverse impacts on the adjoining heritage property or the broader heritage streetscape character.</p> <p>Further discussion is provided in the later sections of this report.</p>
<p>Garage Boundary Wall Length and Building Bulk</p>		
<p>Respondents objected to the garage boundary wall increasing from 8.6m to 9.16m and argued the officer support relied upon reduction of wall length and improved amenity outcomes.</p>	<p>Applicant advised the proposal should be compared against the existing 13.95m long garage wall rather than the refused plans.</p> <p>Applicant stated the revised wall represents a substantial reduction in length and adjoins the neighbour’s existing boundary wall, resulting in a compliant and improved outcome.</p> <p>Applicant also considered the proposed wall length is deemed-to-comply where adjoining the neighbour’s existing boundary wall.</p>	<p>The proposed garage wall length extends 10.23 m along the northern boundary and, being shorter than the existing adjoining boundary wall, is considered to satisfy the deemed-to-comply provisions of the R-Codes regarding its proposed length.</p> <p>Minor exceedances in wall height are limited in extent and largely relate to the gable form, and are not considered to result in unreasonable impacts on solar access, privacy, ventilation, overshadowing, or streetscape character.</p>
<p>Respondents raised concerns regarding visual bulk, insufficient level information, retention of the existing boundary wall, structural integrity, streetscape impacts and cumulative amenity impacts associated with the boundary wall. Respondents also considered the increased pavilion wall and chimney height significantly increase building bulk when</p>	<p>Applicant advised the proposal makes effective use of the site without creating unreasonable building bulk, loss of sunlight, loss of ventilation or overlooking impacts.</p>	<p>Further assessment is provided in the Boundary Wall section of this report.</p>

<p>compared to the existing pool house structure.</p>		
<p>Respondents considered the proposal would create cumulative and ongoing adverse impacts on the adjoining property, including restriction of views, sunlight, ventilation and future usability of sensitive rooms and outdoor areas.</p>	<p>Applicant advised the proposal appropriately balances site constraints, heritage considerations and residential amenity outcomes.</p>	
<p>Historical Consideration and Future Design Opportunities</p>		
<p>Respondents stated the existing garage wall historically resulted in sealing of a dining room window and prevented kitchen windows, natural light and ventilation opportunities.</p> <p>Respondents considered the sealed dining room window demonstrates cumulative historical adverse impacts associated with the boundary wall arrangement.</p>	<p>Applicant advised the sealed dining room window and absence of kitchen windows are existing historical and internal design matters not caused by the current proposal.</p> <p>Applicant also considered the proposed works reduce the length of the existing garage wall and therefore do not worsen the historical situation.</p>	<p>The concerns are acknowledged.</p> <p>The amended proposal reduces the length of the existing boundary wall on site. The assessment of the proposal is based on the existing approved development context and whether unreasonable amenity impacts would arise as a result of the proposed development.</p>
<p>Respondents raised concerns regarding future renovation aspirations, including a proposed skylight and reinstated dining room windows, which they considered would be overshadowed by the proposed garage roof contrary to Clause 5.4.2 relating to solar access.</p>	<p>Applicant advised the proposal reduces the existing wall length and planning controls do not require preservation of opportunities for future openings or future renovations.</p> <p>Applicant also advised the proposed skylight and dining room renovation are not approved works currently before the Town and should not determine assessment of the application.</p>	<p>The proposed skylight and reinstated dining room windows on the adjoining property do not form part of the current application.</p> <p>Assessment of the proposal has therefore been undertaken having regard to the existing approved development context rather than potential future development opportunities on adjoining land.</p>
<p>Stormwater</p>		
<p>Respondents raised concerns regarding insufficiently demonstrated stormwater management for the garage and pavilion boundary sides, including gutter overflow, downpipe arrangements and risks of water penetration and erosion to the adjoining limestone heritage dwelling.</p>	<p>Applicant acknowledges stormwater is required to be managed on site and advised gutters, rainwater heads and downpipes are identified on the plans, with detailed engineering matters to be addressed at building permit stage.</p> <p>Applicant accepted conditions requiring all stormwater to be</p>	<p>Detailed stormwater drainage and engineering design are appropriately addressed through the building permit process.</p> <p>Notwithstanding, a condition is recommended requiring all stormwater to be contained and discharged within the subject site to the satisfaction of the</p>

<p>Respondents also considered the nil or near-nil setbacks exacerbate risks of water discharge and erosion adjacent to the limestone dwelling.</p>	<p>contained within the site and directed away from adjoining properties.</p>	<p>Town.</p>
<p>Shared Boundary Wall and Retaining Wall</p>		
<p>Respondents sought clarification regarding retained and demolished wall sections near the pool house and objected to removal or disturbance of boundary and retaining walls attached to the heritage dwelling.</p> <p>Respondents also sought confirmation that retaining functions would be maintained and existing gutters and boundary structures protected.</p>	<p>Applicant advised no wall attached to, or structurally supporting, the adjoining heritage dwelling would be removed or disturbed without the necessary building and engineering approvals.</p>	<p>The concerns are acknowledged, and a dilapidation report is recommended as a condition to address these concerns.</p>
<p>Respondents requested wall sections be clearly identified on plans and raised concerns regarding demolition methodology, retaining wall integrity and impacts on the adjoining heritage structure.</p>	<p>Applicant acknowledged the removal of the existing pool house may require localised works to nearby wall sections and advised retaining functions would be maintained and addressed through construction documentation and structural certification where required.</p> <p>Applicant also accepted conditions requiring all stormwater to be contained within the site and directed away from adjoining properties.</p>	<p>The assessment of the application relates to the proposed development from a planning perspective, while detailed demolition methodology, structural integrity and retaining wall certification are matters appropriately addressed through the building permit process under relevant building legislation.</p>
<p>Structural Integrity and Demolition Concerns</p>		
<p>Respondents raised concerns regarding structural impacts arising from demolition works, below-ground services, retaining wall modification and construction adjacent to the heritage dwelling.</p> <p>Respondents requested engineering certification, safe demolition methodology, structural protection measures and dilapidation reporting prior to commencement of works.</p>	<p>Applicant advised structural integrity, demolition methodology and engineering matters would be addressed through the building permit process and relevant structural certification requirements.</p>	<p>The concerns are acknowledged.</p> <p>These matters are regulated through the building permit process and associated structural engineering certification requirements.</p> <p>Notwithstanding, dilapidation reporting has been considered and included as a recommended condition to address concern.</p>

Pavilion Boundary Wall and Amenity Issues		
<p>Respondents raised concerns regarding pavilion boundary wall bulk, chimney height, limestone wall material, visual dominance and impacts on adjoining amenity.</p> <p>Respondents also raised concerns regarding use of limestone adjacent to irrigated gardens due to potential erosion and durability issues.</p>	<p>Applicant stated the pavilion reduces the extent of built form compared to existing structures, including reduction of the eastern wall length from 7.57m to 5.3m, and that the chimney is a minor architectural feature rather than a continuous wall element.</p> <p>Applicant advised structural suitability and waterproofing are matters to be addressed through the building permit process.</p>	<p>The proposed pavilion boundary wall has been revised from the previous proposal (DA24-047) to reduce its visual bulk through the removal of the dominant gable form and introduction of a sloping roof profile.</p> <p>While the wall continues to exceed the standard height, the exceedance is primarily limited to decorative elements. The wall will not impact the adjoining property’s access to northern sunlight and no visual privacy impacts are anticipated due to the absence of major openings. Further assessment is provided in the Boundary Wall section of this report.</p> <p>Matters relating to material durability, waterproofing and structural suitability are appropriately addressed through the building permit process.</p>
Pavilion Classification Issues		
<p>Respondents argued the pavilion should continue to be assessed as an outbuilding rather than a habitable structure and considered the proposed reclassification inconsistent with the Town’s previous assessment.</p> <p>Respondents also argued that treating the pavilion as habitable accommodation would trigger additional planning obligations relating to setbacks, site cover, open space and NCC compliance.</p>	<p>Upon further review, applicant accepted the pavilion is properly classified as an outbuilding under the R-Codes. Applicant nevertheless maintained the proposal satisfies the relevant design principles and does not create unreasonable amenity impacts.</p>	<p>The Town has assessed the proposal having regard to the relevant R-Code provisions and the planning outcome of the detached addition.</p> <p>This detached addition has a footprint generally consistent with the existing pool house and incorporates architectural elements that are compatible with the established character and heritage-listed dwelling on site, including the chimney feature and built form expression.</p> <p>Further assessment is provided in the Boundary Wall section of this report.</p>
Pavilion Visual Privacy		

<p>Respondents raised concerns regarding overlooking from pavilion windows into adjoining living and dining rooms and requested obscure glazing and additional screening measures.</p> <p>Respondents also considered landscaping insufficient to manage long-term privacy impacts.</p>	<p>Applicant considered the pavilion to be low-use and non-habitable and advised visual privacy provisions do not apply to the pavilion windows.</p> <p>Applicant considered the pavilion to be an “other space of a specialised nature occupied neither frequently nor for extended periods of time.”</p>	<p>The finished floor level of the pavilion is generally consistent with the existing ground level and does not exceed 500mm above natural ground level. As such, the development is not subject to assessment under the visual privacy provisions of the R-Codes.</p>
<p>Sunroom Modification</p>		
<p>Respondents objected to increased roof height and new windows associated with the sunroom, arguing the modifications introduce additional overlooking impacts and fall outside the appropriate scope of the Section 31 reconsideration process.</p> <p>Respondents also considered the modifications create additional building bulk and direct overlooking toward the adjoining property.</p>	<p>Applicant advised the sunroom modifications form part of the revised architectural response and can properly be considered through the reconsideration process.</p>	<p>The modifications form part of the revised architectural response associated with the reconsidered application.</p> <p>While the roof form and openings have been amended, the proposed sunroom remains fully compliant with the setback requirements of the R-Codes.</p>
<p>Respondents also argued the sunroom had previously been considered compliant and should not be materially altered through reconsideration.</p>	<p>Applicant stated the visual privacy provisions do not apply as the floor level is less than 500mm above natural ground level, with the finished floor level approximately 370mm above natural ground level at this location.</p>	<p>As the finished floor level remains less than 500mm above natural ground level, the structure is not subject to assessment under the visual privacy provisions of the R-Codes and is considered to maintain compliance with the applicable visual privacy requirements.</p>
<p>Pool Modification</p>		
<p>Respondents argued retention and modification of the existing swimming pool falls outside the scope of the reconsideration process and raised concerns regarding pool plant, filtration equipment, acoustic treatment and operational noise.</p>	<p>Applicant advised the retention and modification of the existing swimming pool is ancillary to the single dwelling and does not create new planning impacts requiring a separate planning application. Applicant also considered retention and modification of the existing pool less disruptive than full decommissioning and filling of</p>	<p>The swimming pool remains ancillary to the approved residential use of the site and does not introduce a new land use or significant built form impacts.</p>

	the pool.	
Respondents also raised concerns regarding absence of information relating to pool plant location, acoustic treatment, housing and compliance with <i>Environmental Protection (Noise) Regulations 1997</i> requirements.	Applicant stated pool equipment details can be addressed by condition or at building permit stage and would comply with the <i>Environmental Protection (Noise) Regulations 1997</i> . Applicant also accepted conditions requiring acoustic treatment and equipment details prior to installation.	Pool-related matters are appropriately addressed through the building permit process, including compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Front Fence Modification		
Respondents sought clarification regarding the proposed front limestone wall and objected to replacement of the shared front boundary fence.	Applicant advised the front boundary treatment forms part of the heritage and streetscape response coordinated with the revised crossover arrangement and retained Queensland Box tree.	The concerns are acknowledged and the applicant has provided clarification.
Respondents argued the wider front fence piers would adversely impact the streetscape, detract from the character of nearby heritage properties and create excessive visual bulk. Respondents also raised concerns regarding the scale and dominance of the proposed fence pillars.	Applicant advised the variation to the front fence pier dimensions is minor and appropriate within the context of a traditional masonry and wrought iron fence design consistent with the heritage character of Chester Road and the subject dwelling. Applicant also advised the fence retains visual permeability and does not create unreasonable streetscape or safety impacts.	This aspect of the proposal remains unchanged from the previous design. While the proposed pillars exceed the deemed-to-comply provisions, the discretion is minor in nature and the infill panels remain visually permeable. Having regard to the varied streetscape character of Chester Road and the fact the proposed pillars reflect the dimensions of the existing pillars on site, the discretion is considered to have limited impact on the streetscape character and is considered acceptable.
Respondents raised concerns regarding the proposed double crossover, including increased hardstand, heat island effect and dominance of vehicle parking over landscaping. Respondents suggested relocation of the driveway further into the site.	Applicant considered relocation of the driveway unnecessary given the existing heritage dwelling, garage alignment, retained verge tree and access requirements.	The proposed driveway width complies with the requirements of the R-Codes and the crossover width complies with the maximum allowable width under the Town's crossover specifications. The amended design is not considered to result in unreasonable hardstand or streetscape impacts having

		regard to the existing site constraints and lot configuration.
Street Tree and Arboricultural Concerns		
Respondents raised concerns regarding potential impacts of the crossover works on the retained verge tree and structural root zone and considered insufficient arboricultural information had been provided to support the proposed works.	Applicant advised the revised crossover arrangement retains the Queensland Box tree and has been prepared having regard to site constraints and access requirements.	The proposal has been amended to retain the Queensland Box tree located within the verge. This follows the resolution of Council at the 30 September 2025 Ordinary Council Meeting to implement a moratorium on Queensland Box tree removals. Should the application be approved, the applicant will be required to submit a crossover application to the Town. Relevant requirements including the minimum separation distances from verge trees, will be assessed as part of that application.
Sightlines		
Respondents argued the proposal fails to achieve compliant sightline truncation areas due to the location of brick piers and driveway arrangement. Respondents also raised concerns regarding pedestrian and vehicle safety associated with the crossover and front fence arrangement.	Applicant advised the revised design improves sightlines through visually permeable fencing, widened driveway arrangements and retention of the Queensland Box tree.	The previous application proposed solid fence pillars within the sightline truncation area that did not comply with the deemed-to-comply requirement. The amended design introduces visually permeable fencing elements adjacent to the driveway and reduces the extent of solid built form within the truncation area, improving visibility for vehicles entering and exiting the site. While solid pillars remain within portions of the truncation area, the revised fence design and replacement of the existing front fence results in a more open and legible vehicle access point.
Respondents also raised concerns regarding absence of a traffic impact assessment and lack of	Applicant acknowledged the full deemed-to-comply truncation area is not achieved, however advised the planning report	Chester Road is not identified as a street deemed to carry high volumes of traffic in the Town's

<p>supporting SIDRA information.</p>	<p>demonstrates functional sightlines are available having regard to the low-speed residential street environment and typical driver behaviour exiting a private driveway.</p> <p>Applicant also considered driveway relocation unnecessary having regard to the existing heritage dwelling, garage alignment, retained verge tree and access requirements.</p>	<p>LPS3.</p> <p>In this context, vehicle movements are generally consistent with a residential environment. The assessment of sightlines has been undertaken with the condition of the street.</p>
<p>Upper Floor Verandah Visual Privacy</p>		
<p>Respondents raised concerns that visual privacy formed part of the previous refusal reasons and considered the amended proposal does not adequately address overlooking impacts to adjoining outdoor living areas, principal indoor living spaces and bedrooms.</p> <p>Respondents objected to reduced verandah setbacks and overlooking into adjoining outdoor living areas, principal living spaces and bedrooms.</p> <p>Respondents also requested clarification regarding whether the “existing” verandah shown on plans exceeds the previously approved verandah extent.</p> <p>Respondents requested permanent fixed screening and argued landscaping alone would not adequately address long-term privacy impacts.</p>	<p>Applicant advised the verandah is largely an existing approved heritage element rather than a new balcony, noting the existing balcony was approved in 1986 at a setback of approximately 5.47m from the northern boundary without screening requirements.</p> <p>The amended design retains the majority of the existing approved balcony and includes only a limited extension with an increased setback to the northern boundary.</p> <p>Applicant also stated the revised design reduces the usable balcony area and changes direct access so that the balcony is no longer directly accessed from a primary living area, thereby reducing the intensity of use.</p> <p>The existing boundary walls and landscaping already provide substantial concealment of adjoining outdoor areas, and additional mature evergreen landscaping is proposed along the northern boundary to further improve privacy outcomes.</p> <p>Applicant considered fixed screening would be visually intrusive and inconsistent with</p>	<p>The existing dwelling already contains upper floor verandahs, establishing an existing overlooking relationship with adjoining properties. The proposed northern verandah extension is limited in extent and consistent with the existing built form.</p> <p>While the proposal results in a reduced visual privacy setback of 7.1m in lieu of 7.5m, the provided cone of vision assessment demonstrates that no major active habitable room openings or primary outdoor living areas are directly impacted.</p> <p>Existing boundary walls, roof forms and landscaping provide substantial screening, with additional landscaping proposed along the northern boundary to enhance visual screening over time.</p> <p>Further assessment is provided in the Boundary Wall section of this report.</p>

	<p>the heritage character of the verandah, and submitted that the proposal would not result in unreasonable overlooking impacts to adjoining properties.</p>	
<p>Respondents also raised concerns regarding direct overlooking from the eastern verandah into children’s bedrooms and major east-facing living room windows.</p>	<p>Applicant stated that the revised design reduces balcony usability and changes primary access from a living room to Bedroom 3, reducing intensity of use.</p> <p>Applicant also advised the addition of the entry room reduces usable balcony area.</p>	<p>As further assessed in the sections below, no major active habitable outdoor spaces or internal habitable room openings are captured within the cone of vision from the proposed verandah addition.</p> <p>Having regard to the existing overlooking context, separation distances, existing boundary treatments and the proposed landscaping, the proposal is not considered to result in unreasonable visual privacy impacts to adjoining properties.</p>
<p>Scope of Section 31 Reconsideration</p>		
<p>Respondents argued the amended proposal introduced numerous new elements outside the original refusal grounds, including sunroom modifications, pool retention, front fence changes, turret height increases, pavilion changes, revised pavilion materials and increased chimney height. Respondents requested readvertising or separate applications for these elements.</p>	<p>Applicant did not agree the amendments exceed the scope of the reconsideration process and advised amended plans responding to refusal reasons, officer comments and improving planning outcomes can properly be considered through the Section 31 reconsideration process.</p> <p>Applicant also considered the amendments consequential to the revised design response, including removal of the carport, retention of the Queensland Box tree, revised fencing and crossover design, landscaping and refinement of heritage elements.</p> <p>Applicant also noted any material changes could still be advertised through the reconsideration process if required by the Town.</p>	<p>The amended plans remain associated with the original development application and primarily respond to the previous refusal reasons.</p> <p>The additional amendments are considered consequential to the revised planning and heritage response and are capable of being considered as part of the Section 31 reconsideration process.</p>
<p>Turret Height</p>		

<p>Respondents objected to the increase in turret height above the permitted building height under LPS3 and considered the variation excessive. Respondents also raised concerns regarding additional overlooking opportunities from turret windows and requested obscure glazing treatment where applicable.</p>	<p>Applicant supported the variation, stating the turret is a small, centrally located architectural feature without habitable floor area and integral to the Federation character of the dwelling.</p> <p>Applicant further stated the turret does not create overlooking, overshadowing or loss of sunlight impacts and assists in achieving an authentic Federation-style roof form and appropriate roof hierarchy.</p>	<p>The existing dwelling already incorporates prominent vertical architectural elements, including high chimneys and steep roof forms. In this context, the turret is not considered visually dominant or inconsistent with the established heritage character of the dwelling.</p> <p>The turret has a limited footprint and is adequately setback from adjoining lot boundaries, minimising potential visual bulk impacts. In addition, the structure functions as a lightwell and void space only and therefore does not result in overlooking impacts to adjoining properties.</p>
<p>Submission 2 – Support and Request for Clarification</p>		
<p>Verandah and Amenity Impacts</p>		
<p>Support was provided for the extension of the southern verandah, with acknowledgement that the proposal may result in some additional shading to a rear bedroom, however the submitter accepted the overall design rationale.</p>	<p>Applicant welcomed and acknowledged the support from the adjoining southern landowner</p>	<p>The support is acknowledged.</p>
<p>Existing Retaining Wall and Boundary Treatment</p>		
<p>Comment queried the feasibility of removing the existing limestone retaining wall and requested that any replacement boundary wall generally align with the height of the existing brushwood fence, having regard to level differences between the properties.</p>	<p>Applicant advised there is no intention to compromise the retaining function along the southern boundary. Detailed construction and retaining wall design will be addressed through the building permit process. Applicant also advised any proposed dividing fence will comply with the Town’s Fencing Local Law 2024.</p>	<p>The concerns regarding retaining walls and boundary treatments are acknowledged. Detailed retaining wall design, structural integrity and construction methodology are matters appropriately addressed through the building permit process. Any dividing fence is required to comply with the Town’s Fencing Local Law 2024.</p>

A full copy of the submissions is attached to this report as Attachment 6 – Collated Submissions.

OFFICER'S COMMENTS

Site Context

The subject site is zoned R15/20 and has a site area of 1012m². The surrounding context is characterised by primary two storey single houses and a few heritage listed dwellings in the immediate locality. The Town is required under the provisions of LPS3 to consider the development of the land under the R15 coding as the development does not satisfy the provisions to qualify for the higher density coding.

Planning Assessment

The Town undertook assessment of the proposal against the provisions of the R-Codes, LPS3, and applicable local planning policies (LPP), including the LPP 117 – Front Fences and LPP 124 – Heritage.

The R-Codes establish two pathways for assessing residential development. If a proposal does not meet the deemed-to-comply requirements for a particular design element, that element may be assessed against the relevant design principles, provided the R-Codes allow for discretion in that circumstance. The development is generally consistent with LPS3, the R-Codes and applicable LPP, subject to the exercise of discretion in relation to the following matters:

1. **R-Codes 5.1.3 – Boundary Wall:** Garage boundary wall and the proposed pavilion include boundary walls on the northern and eastern boundaries which are not permitted under the deemed-to-comply requirements for the Residential R15 coding.
2. **R-Codes 5.2.4 – Front Fence:** The proposed front fence pillars have a horizontal dimension of 490mm by 490mm in lieu of the 400mm-by-400mm deemed-to-comply requirement.
3. **R-Codes 5.2.5 – Sightlines:** The proposed vehicle access way does not adhere to the nominated dimensions of the deemed-to-comply regarding clear visual truncation areas.
4. **R-Codes 5.4.1 – Visual Privacy:** The proposed new verandah is setback 7.1m from the northern boundary and 5.35m from the southern boundary in lieu of 7.5m deemed-to-comply visual privacy setback.
5. **LPS3 – Building Height:** The proposed turret height increased from 9.1m to 10.1m on the eastern side and 9.2m to 10.1m on the north elevation in lieu of 6.6m permitted.

An evaluation of the discretion was considered under design principles of the R-Codes and the relevant consideration under LPS3.

It is noted that the design of the heritage dwelling does not achieve compliance with R-Codes deemed-to-comply provisions, which is not uncommon for heritage properties within the locality. This is largely due to the constraints associated with retaining original architectural form and heritage significance.

Officer is satisfied that the proposed discretions comply with the relevant design principles and objectives of LPS3 and will deliver an acceptable design outcome as detailed further below:

Boundary Wall

Garage – Northern Elevation

The property is coded R15/20 (R15 applicable). The R-Codes do not prescribe maximum lengths or heights for boundary walls on an R15 site. Notwithstanding, where a portion of a boundary wall abuts an existing wall of equal or greater dimensions, that portion is considered to satisfy the deemed-to-comply provisions. Any section of wall extending beyond the existing wall is to be assessed separately against the relevant provisions.

- Length

The proposed garage remains generally consistent with the location shown in the previous application. As shown by the yellow dashed line in the figure below, the proposed garage wall extends 10.23 m along the

northern boundary and is shorter than the existing adjoining boundary wall, shown by the blue dashed line. On this basis, the proposed boundary wall length is considered to satisfy the deemed-to-comply provisions of the R-Codes regarding its proposed length.

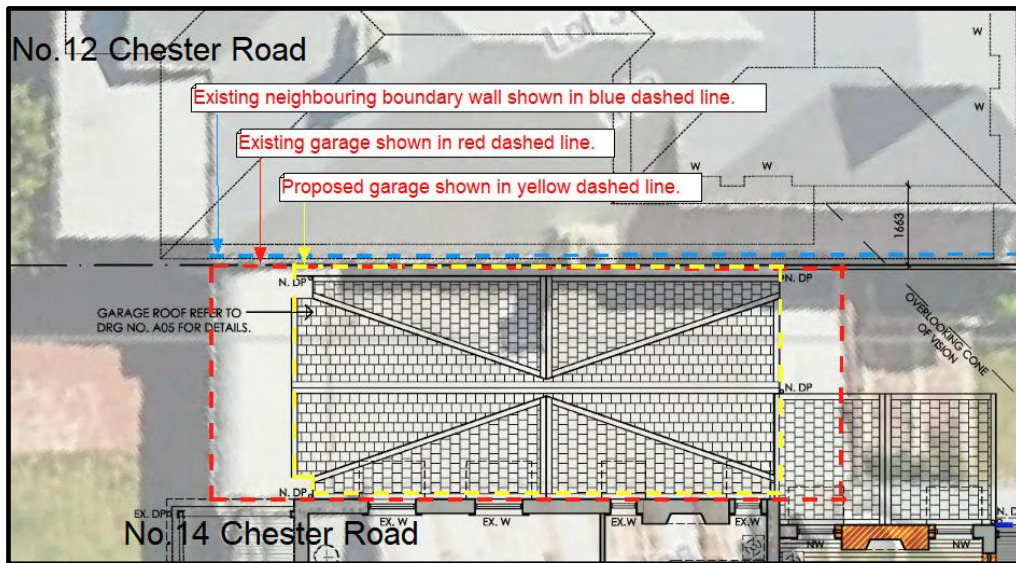


Figure 1: Comparison of Existing and Proposed Garage Boundary Wall Length

- Height

In terms of height, the proposed garage boundary wall demonstrates a height of 5.17m, whilst abutting a neighbouring boundary wall, which height varies between approximately 3.3m and 4.1m due to the natural topography sloping along the cadastral boundary, as illustrated in Figure 2 below. While the proposed wall exceeds the adjoining wall height, the additional height is primarily associated with the gable form and remains limited in extent.

The proposed wall contains no major openings and is located on the northern side of the development, meaning it will not adversely impact solar access to neighbouring habitable spaces. The adjoining boundary wall also does not contain any major openings. As such, the proposed wall will have limited impact on neighbouring ventilation and will not give rise to overlooking or visual privacy concerns. Overshadowing will largely be contained within the subject site due to the northern orientation of the structure. The boundary wall is also located more than 10m from the primary frontage and is not considered to adversely affect the streetscape.



Figure 2: Comparison of Existing and Proposed Garage Boundary Wall Height

Having regard to the limited extent of the additional height, the articulated roof form, and the absence of unreasonable amenity impacts in terms of visual bulk, overshadowing, privacy, ventilation, and streetscape character, the proposed boundary wall height is considered to satisfy the relevant design principles of the R-Codes, and approval is recommended.

Pavilion – Northern Elevation

The proposed pavilion boundary wall along the northern elevation has been revised to reduce its visual bulk compared to the previous application (DA24-047). The earlier design incorporated a high gable end (5.6m), whereas the current proposal removes the gable form and reduces the overall height to 4.7m, despite a slight increase in length from 7m to 8m.

As the site is coded R15, boundary walls do not have a general deemed-to-comply pathway under the R-Codes unless they abut an existing or simultaneously constructed boundary wall. The proposed pavilion boundary walls therefore require assessment against the applicable design principles.

The proposal is considered acceptable in this context, having regard to existing boundary wall approvals on the subject site and immediately adjoining properties. The higher wall elements are limited to decorative features at either end, with the main wall reduced to approximately 4.3m. The revised sloping roof form also replaces the previously dominant gable, creating a more graded transition and reducing the perceived bulk from the adjoining property.

The wall is located on the southern side of the northern boundary and is therefore unlikely to impact the adjoining property’s access to northern sunlight. In addition, no major openings are proposed within the wall, maintaining an appropriate level of visual privacy between the properties. Having regard to the reduced overall height, improved roof articulation, limited amenity impacts and established residential context, the proposal is considered to satisfy the relevant design principles of the R-Codes relating to visual bulk, overshadowing and visual privacy.

Pavilion – Eastern Elevation

The proposed pavilion boundary wall along the eastern elevation has a maximum height of 6.4m to the top of the chimney, compared to 5.7m under the previous approval. The revised design replaces the previously approved gable end with an alternative roof form incorporating a centrally located chimney feature.

- Built Form and Design

Although the overall height has increased, the pavilion is located to the rear of the site and is not visible from the public realm, resulting in no material streetscape impact. In addition, the adjoining property to the east (No. 4 Agett Road) is situated at a higher natural ground level. The existing boundary fence providing substantial screening at ground level. As a result, views of the structure from the adjoining property are generally limited to portions of the roof form only.

The centrally positioned chimney is an important element of the architectural expression of the pavilion and echoes the character of the heritage dwelling on the site. Its placement and articulation assist in articulating the roof form and reducing the perception of continuous visual bulk when viewed from adjoining properties. The revised roof form also introduces additional articulation to the built form, further reducing the appearance of a continuous vertical wall compared to the previously approved gable design.

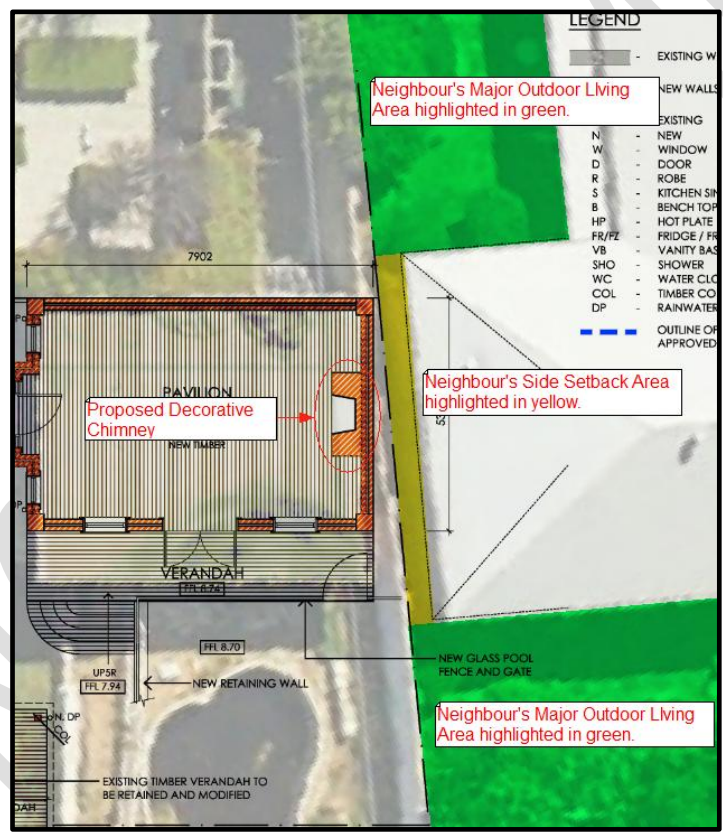


Figure 3: Relationship Between Proposed Pavilion Chimney and Adjoining Outdoor Living Areas

- Adjoining Amenity Impact

The pavilion adjoins the eastern neighbour's side setback area, identified in yellow in the figure above. This area is relatively narrow in width and does not function as the primary outdoor living area of the adjoining property. The primary outdoor living areas associated with No. 4 Agett Road are instead located toward the rear and central portions of the lot and are sufficiently separated from the proposed addition. Accordingly,

the pavilion is not considered to result in any unreasonable adverse amenity impacts to the adjoining property’s principal outdoor living spaces.

Having regard to the orientation of the lot, the proposal will not adversely affect access to northern sunlight, and adequate ventilation between the properties will be maintained.

This assessment finds that the revised pavilion design appropriately responds to the site context and adjoining development and will not result in any unreasonable adverse amenity impacts. Accordingly, the proposal is considered to satisfy the relevant design principles and is recommended for approval.

Detached addition

The detached addition is proposed to be used as a habitable space and incorporates architectural elements that are generally consistent with the established character of the heritage-listed dwelling on site, including the chimney feature and roof form. The design maintains compliant open space and, having regard to the siting, scale and design of the structure, is not considered to result in unreasonable amenity impacts in terms of visual bulk, overshadowing or privacy. The footprint is able to be accommodated given the ample size and configuration of the lot.

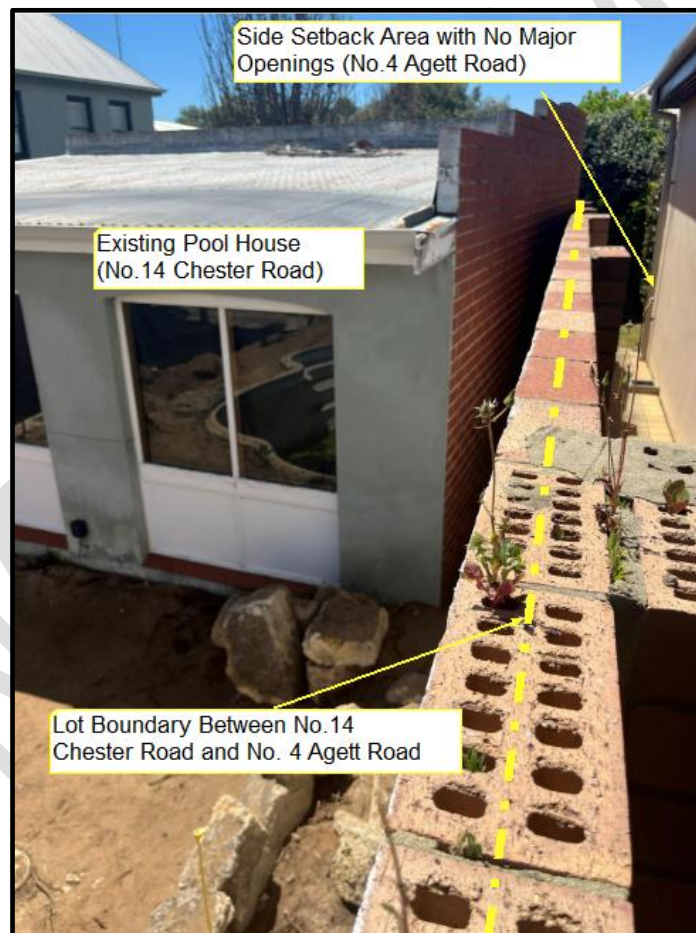


Figure 4: Existing Boundary Wall and Adjoining Side Setback Relationship

Front Fence

The proposed front fence pillars have horizontal dimensions of 490 mm × 490 mm, in lieu of the permitted 400 mm × 400 mm. This aspect of the proposal remains unchanged from the previous design.

The Chester Road precinct is characterised by a varied streetscape, including a range of front fence styles that contribute to its eclectic character. Given that the proposed infill panels remain visually permeable in accordance with the deemed-to-comply requirements of the R-Codes, and that the pillars reflect the dimensions of the existing development, the minor increase in pillar dimensions is considered acceptable. Accordingly, the exercise of discretion is not expected to adversely affect the established streetscape character.

Sightlines

The previous application proposed solid fence pillars within the vehicle sightline truncation area, which did not satisfy the relevant deemed-to-comply sightline requirements for safety.

The amended proposal revised the front fence design, including visually permeable fencing elements adjacent to the driveway and a more clearly defined vehicle access point. This reduces the extent of solid built form within the sightline area and improves visibility for vehicles entering and exiting the site.

It is acknowledged that solid pillars remain within the sightline truncation area. Notwithstanding, the pillars are limited elements within the broader fence design and are offset by the increased visual permeability of the fencing adjacent to the driveway. The replacement of the existing front fence and pillars will provide a more open design, with clearer and safer access than currently exist on site.

The amended design represents an improvement to the existing structure, with a reduced extent of solid obstruction and improved visual permeability adjacent to the driveway. The traffic environment of the street has also been appropriately considered, such that the proposal maintains adequate visibility and safe vehicle access.

In this regard, the proposal is considered to satisfy the relevant design principles of the R-Codes in terms of visual permeability, streetscape integration, and safety. Accordingly, the discretion sought is not considered to result in any unacceptable safety or amenity impacts, subject to the fence being constructed and maintained in accordance with the approved plans.

Visual Privacy

The existing dwelling contains upper floor verandahs along the northern and southern elevations. These verandahs, as part of the approved development, already provide overlooking of adjoining properties. The existing context is therefore relevant in assessing whether the proposed verandah extensions would result in any additional visual privacy impacts beyond what is considered reasonable.

The application seeks to retain portions of the existing verandahs and extend the northern and southern upper floor verandahs toward the eastern side of the subject site. The visual privacy implications of each verandah extension are addressed separately below.

North elevation

The proposed extension to the upper floor verandah results in a horizontal visual privacy setback of 7.1m in lieu of the required 7.5m required under the deemed-to-comply provisions of the R-Codes. This represents a discretion sought of 380mm. The figures below show the location of the proposed verandah extension in relation to the adjoining property, together with the cone of vision assessment undertaken by officers.

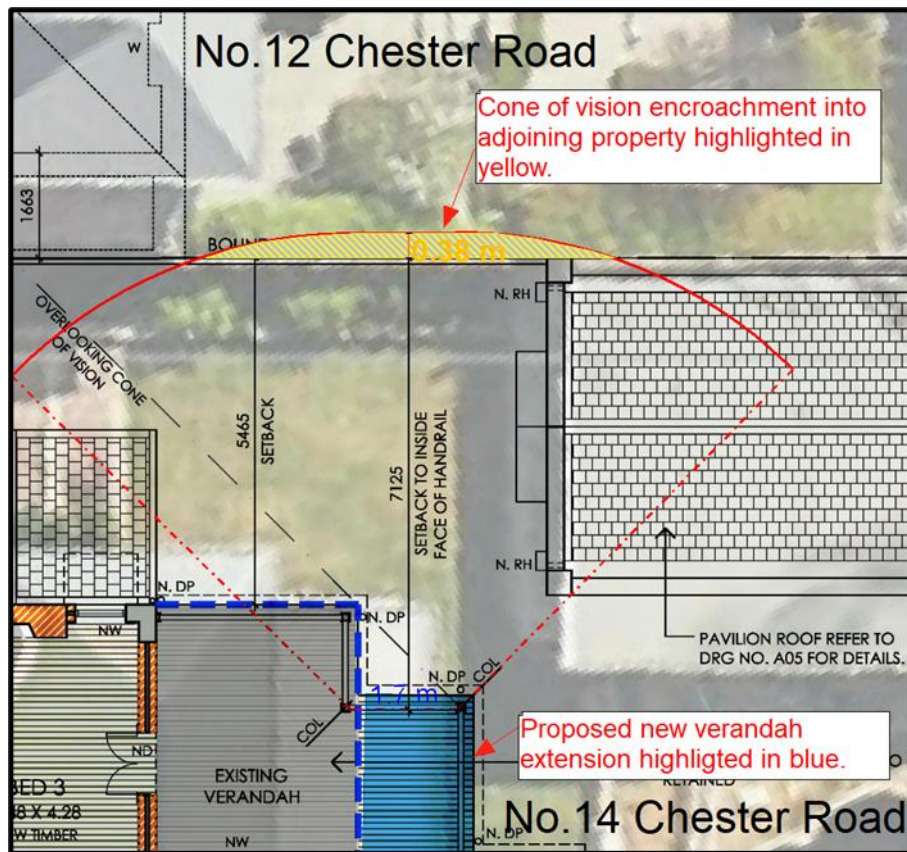


Figure 5: Cone of Vision Assessment for Proposed Verandah Extension

- Proposed Verandah Addition

The proposed verandah extension, shown in blue in the figures above, is a modest addition to the existing upper-floor verandah. The extension remains generally consistent with the scale, form and alignment of the existing verandah and does not extend closer to the boundary or introduce a substantially different built form outcome when viewed from the adjoining property.

The officer’s cone of vision assessment identifies a maximum encroachment of approximately 380mm into the adjoining property, shown in yellow in the figures above. Importantly, the assessment demonstrates that major openings to habitable rooms and the primary outdoor living area of the adjoining property are not located within the area of encroachment. On this basis, the discretion sought is not considered to result in an unreasonable visual privacy impact.

- Existing Verandah

The existing northern verandah, shown by the blue dashed outline in the figure above as well as additional following, is located closer to the boundary than the proposed extension. This is important and relevant context in assessing whether the proposed extension would result in any additional unreasonable overlooking impact.

Supporting site photography indicates that views from the existing upper-floor areas are generally directed across roof forms, existing setbacks and landscaping, rather than directly toward sensitive areas of adjoining private open space.

It is also noted that the photograph was taken from a position approximately 1.7m forward of the proposed verandah extension. The proposed extension would therefore be located further from the adjoining

property than the photographed vantage point, reducing the potential for direct overlooking from the new works subject to this application.

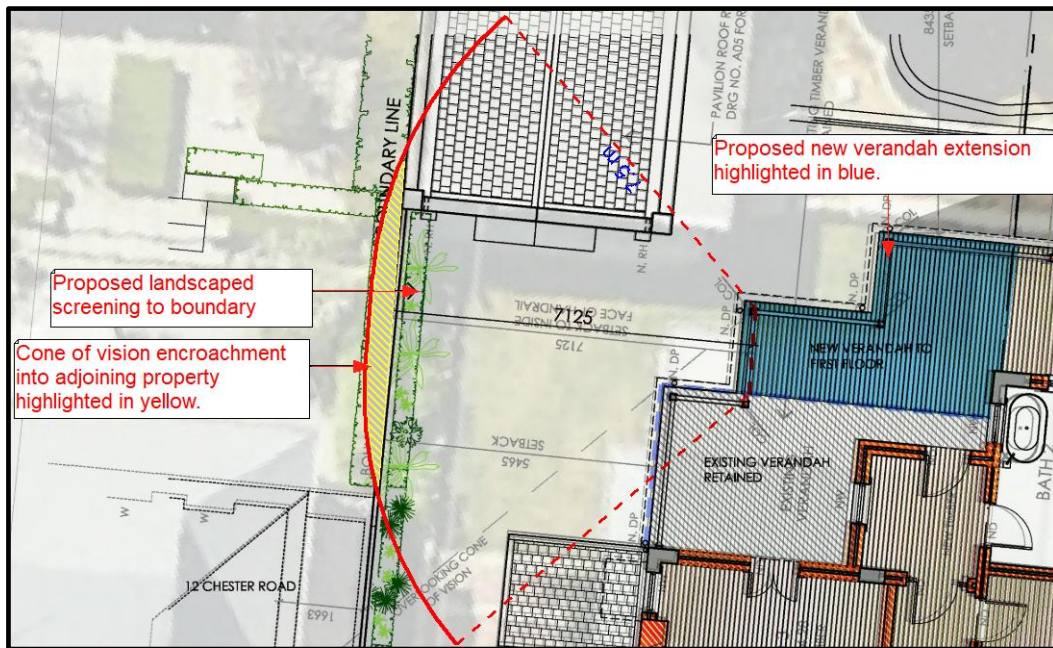


Figure 6: Cone of Vision Encroachment from Proposed Verandah Extension



Figure 7: Existing Views from Approved Upper Floor Verandah

South elevation

The existing upper-floor verandah extends along the southern elevation and already overlooks the adjoining property. The current proposal includes an extension of the south-facing upper-floor verandah by approximately 2.6m towards the subject site's eastern boundary. This portion of the proposal was advertised to adjoining landowners and no objections were received in relation to visual privacy impacts associated with the verandah extension.

While the proposal extends the existing verandah, the extension remains modest in scale and does not result in direct overlooking into major active habitable room openings or primary outdoor living areas. Existing separation distances, boundary treatments and landscaping further limits extent of overlooking between the properties.

Having regard to the limited extent of the discretion sought, the established verandah context, the cone of vision assessment, and the absence of unreasonable amenity impacts, the proposal is considered to satisfy the relevant design principles for visual privacy under the R-Codes and is therefore acceptable.

Proposed Landscaping Screening

To mitigate potential overlooking impacts, the applicant proposes additional boundary landscaping comprising four evergreen Bay Laurel trees with an initial planting height of approximately 1.6m to 2m. The landscaping is expected to establish a screen of up to approximately 4m in height within two years, screening views towards the adjoining property's outdoor living area and maintaining a distinct visual interface between the two properties once established.

Having regard to the existing overlooking context, the limited extent of the proposed extension, the submitted cone of vision assessment, and the proposed landscaping treatment, the proposal is considered to satisfy the relevant design principles for visual privacy. A condition is therefore recommended requiring implementation and ongoing maintenance of the landscaping.

Officers also considered whether a fixed physical privacy screen should be required to the proposed verandah. While this may provide a more immediate screening outcome, it would introduce a visually prominent built element to the side elevation of an established heritage dwelling. Although not located on the primary façade, the verandah contributes to the dwelling's architectural character, and a fixed screen is not considered to represent the most sympathetic or proportionate design response in this instance. On balance, the proposed landscaping treatment is considered to provide an appropriate privacy response while avoiding an unnecessary addition that may detract from the heritage character and visual integrity of the dwelling.

Building Height

The amended plans increase the proposed wall height of the lightwell turret from 9.1m to 10.1m on the eastern elevation, and from 9.2 m to 10.1m on the northern elevation. Accordingly, discretion is sought in relation to the applicable deemed-to-comply building height requirements.

As shown in Figure 7, the proposed turret, highlighted in yellow, is located within the central roof form of the dwelling rather than adjacent to a lot boundary or at the outer edge of the building. The turret is substantially setback from surrounding lot boundaries, with separation distances shown of approximately 9.33m, 11.02m and 12.46m. This siting assists in reducing its prominence in views from adjoining properties and the public realm.

While the turret wall height has increased, the overall height of the turret is consistent with the height of the existing and refurbished chimney elements on the dwelling. The dwelling already contains prominent vertical roof elements, including chimneys reaching approximately 11.8m and a high gable roof form. In this established roofscape context, the turret is not considered to present as a visually dominant or incongruous element.

The turret has a limited footprint, and is visually contained within the broader roof form. Its scale, siting and relationship to the existing chimney elements assist in minimising any perception of excessive bulk or height.

The turret functions as a lightwell and comprises void space only. It does not provide an additional habitable room, balcony, viewing platform or trafficable external area. On this basis, the increased wall height does not result in additional overlooking impacts.

The discretion sought is considered to satisfy the relevant design principles for building height. The proposed turret is appropriately located within the existing roof form, is substantially setback from lot boundaries, and is read in conjunction with the dwelling’s existing vertical roof elements. As a result, the increased wall height is not considered to adversely impact the amenity of adjoining properties, the streetscape, or the established character of the dwelling.

Having regard to the turret’s central location within the roof form, substantial setbacks from lot boundaries, limited footprint, relationship to the existing and refurbished chimney elements, and function as a non-habitable lightwell, this aspect of the proposal is recommended for support.

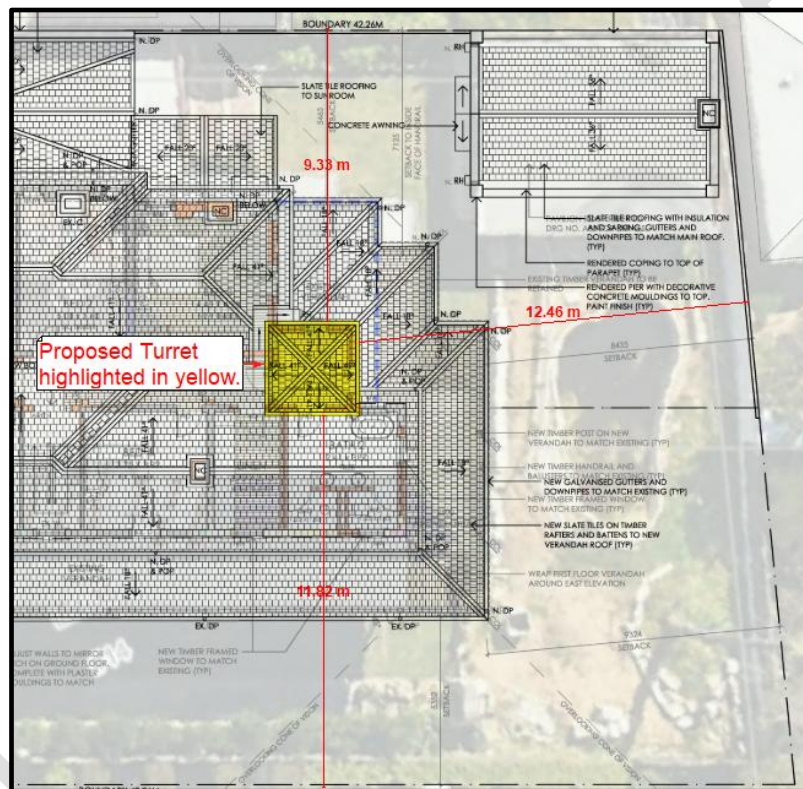


Figure 8: Proposed Turret Location

CONCLUSION

The amended proposal for additions and alterations to the existing heritage-listed dwelling has been assessed against LPS3, the R-Codes, relevant LPP and the applicable matters under clause 67 of the Deemed Provisions.

This application involves a complex planning assessment having regard to the unique character of the existing dwelling, the architectural intent of the proposed additions to complement that character, and the established variations from R-codes provisions already present on the site.

The amended plans respond to the previous reasons for refusal, by the removal of the proposed carport, retention of the Street tree, refinements to the boundary wall and pavilion design, revised front fence and sightline arrangements, and additional landscaping to address visual privacy.

Submissions received during consultation have been carefully considered and addressed in this report. The concerns raised are acknowledged. Notwithstanding, having regard to the amended plans, the existing

approved development on the land and the established character of the locality, the proposal is considered to provide an appropriate planning response to the site context.

Where the proposal does not meet the relevant deemed-to-comply requirements, the matters have been assessed against the applicable design principles and relevant Scheme considerations. For the reasons detailed in this report, the exercise of discretion is not considered to result in unreasonable amenity, streetscape, heritage or safety impacts.

Subject to the recommended conditions and advice notes, the proposal is considered to represent an acceptable planning outcome and is recommended for approval.

FINANCIAL AND STAFF IMPLICATIONS

As the proposal remains before the SAT, any reconsidered decision under section 31 would continue within the existing review proceedings. In practical terms, an approval generally results in the SAT proceedings being withdrawn or vacated, whereas a refusal may result in the matter returning to SAT for further mediation, directions and, if required, a final hearing for determination.

There may be financial and staff resource implications associated with continued SAT proceedings should Council refuse the application or impose conditions that may be contested by the applicant.

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.

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

URGENCY

The Tribunal orders require the Town to reconsider the application and advise by 12 June 2026.

OFFICER RECOMMENDATION

Moved: Cr Jill Goetze

Seconded:

Council determination

That Council grant Development Approval for proposed additions and alterations to the existing single house at Lot 35 and 36 (14) Chester Road, Claremont as shown on the amended plans stamped received by the Town on 16 March 2026, subject to the following conditions and advice notes:

1. All development shall only occur in accordance with the revised drawings received by the Town on 16 March 2026, or as amended by these conditions.
2. Prior to the occupation or use of the new upper floor verandah extension, landscape screening shall be installed along the northern boundary in accordance with approved plans (Drawing Number SA01.2), to the satisfaction of the Town of Claremont, comprising:
 - i) A minimum of four evergreen Bay Laurel trees or approved equivalent evergreen species capable of achieving a minimum mature height of more than 2.4m, shall be planted abutting the dividing fence;
 - ii) Trees of a minimum planting height of 1.6m, as measured from ground level at the time of planting;
 - iii) Landscape screening to be established and maintained in accordance with the approved plans so as to provide an effective visual privacy screen to a minimum height of 4m at the boundary within two years of planting, to the satisfaction of the Town of Claremont; and
 - iv) Any dead, diseased or failing plants to be replaced with the same species or an approved equivalent evergreen screening species, to the satisfaction of the Town of Claremont.
3. Prior to the issue of a Building Permit, a Construction Management Plan is to be prepared and submitted to the specification and satisfaction of the Town of Claremont addressing:
 - i) access to the site;
 - ii) delivery and storage of materials; and
 - iii) the parking of tradespersons.

The approved Construction Management Plan is to be thereafter implemented for the duration of construction to the satisfaction of the Town of Claremont.

4. Prior to application for a Building Permit, a dilapidation report is to be prepared by a practising Structural Engineer and subsequently submitted for the adjoining properties at 12 Chester Road, Claremont and 4 Agett Road, Claremont, to the satisfaction of the Town of Claremont.
5. Prior to the application for a Building Permit, a Schedule of materials, colours and finishes is to be submitted to the satisfaction of the Town of Claremont.
6. The existing and/or proposed driveway being constructed with brick paving or concrete and drainage/soak wells to be provided to the satisfaction of the Town of Claremont.
7. Prior to occupation or use of the development, the redundant crossover(s) are to be removed, and the verge, kerb and footpath reinstated to the satisfaction of the Town of Claremont.

8. This development application relates only to the works/use on the property and separate approval must be obtained to construct any crossovers on the road verge.
9. All stormwater discharge shall be contained and disposed of on site and vehicle access designed in such a manner as to prevent storm water entering the property or discharging externally from the property, to the satisfaction of the Town of Claremont.
10. Street tree removal is not approved as part of this Development Approval.
11. Only the tree identified for removal on Drawing SA02 is permitted to be removed. Any additional removal of trees is not approved and will require a separate planning application to be lodged with the Town for assessment. No works, including removal, pruning or excavation, that may adversely affect the health of retained trees are permitted under this approval.
12. The approved parapet/boundary wall(s) and footings abutting the boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished to a satisfactory standard, as decided by the Town of Claremont.
13. 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.
14. Prior to the commencement of works, a Tree Protection Zone is to be implemented, in accordance with AS4970-2025, around the Queensland Box tree located within the Chester Road verge. The fixed barrier is to remain in place for the duration of construction 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. All Building Permit plans must be consistent with the Approved Plans in all respects. Permits for non-residential development must be certified prior to submission.

Note 5: A Demolition Permit may be required from the Town's Building Services prior to commencement of any demolition works. The Town accepts certified and uncertified Demolition Permits.

Note 6: The use of skip bins outside the property boundaries will only be permitted where approved in a Work Zone Permit.

Note 7: Under the Environmental Protection (Noise) Regulations 1997, noise from construction work is limited to 7.00am to 7.00pm Monday to Saturday inclusive.

Note 8: The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)] as stipulated by the Occupational Health and Safety Regulations 1996 and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2004.

Note 9: In regard to condition 2, the landscape screening required by this approval is to be installed, maintained and replaced where necessary at the cost of the landowner/applicant. The landscape

screening is to be maintained for the life of the development, unless otherwise approved in writing by the Town of Claremont. Should the landscape screening not be maintained in a healthy condition so as to provide an effective visual screen, the Town may require the installation of a physical screen to protect adjoining properties from overlooking.

Note 10: In regard to condition 4, the applicant is advised that the dilapidation report is to be submitted to the Town of Claremont and the owners of the listed adjoining properties. The dilapidation report is to detail the current condition and status of all buildings (both internal and external together with surrounding paved areas and right-of-way), including ancillary structures located upon these properties.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Town of Claremont that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note 11: This approval does not authorise the use of the detached addition (pavilion) as an ancillary dwelling, separate dwelling, short-term accommodation or independent tenancy.

The motion lapsed for want of a seconder.

ALTERNATE MOTION

Moved: Deputy Mayor Cr Paul Kelly

Seconded: Cr Sara Franklyn

That Council **REFUSES** Development Approval for proposed additions and alterations to the existing single house at Lot 35 and 36 (14) Chester Road, Claremont as shown on the amended plans stamped received by the Town on 16 March 2026.

Reason:

1. The proposed development does not satisfy design principles of Clause 5.1.3 – Lot boundary setbacks of Residential Design Codes Volume 1, as the dwelling proposes boundary walls to the pavilion that negatively impact the amenity of adjoining properties at 12 Chester Road as detailed in this report.
2. The proposed development does not satisfy design principles of Clause 5.4.1 – Visual privacy of Residential Design Codes Volume 1, as the proposed balcony on the northern elevation increases direct overlooking of active habitable spaces and the primary outdoor living areas of the adjoining property at 12 Chester Road.
3. The proposed development does not satisfy design principles of Clause 5.4.3 – Outbuildings of Residential Design Codes Volume 1, as the proposed outbuilding have a negative visual amenity impact on adjoining properties at 12 Chester Road.
4. The proposed development does not comply with Local Planning Policy 123 – Retention of Residential Character relative to the upper floor encroachment into the rear third of the lot and negative amenity impacts on adjoining property at 12 Chester Road.
5. The proposed development is inconsistent with matters the Local Government must give due regard contained within Clause 67(2) of Planning and Development (Local Planning Schemes) Regulations 2015 in regard to the following requirements:
 - b) The proposal does not adhere to orderly and proper planning as per Local Planning Scheme No.3 relative to the proposed carport front setback.

g) The proposal is inconsistent with Local Planning Policy requirements to address building bulk and setbacks of upper floor extensions.

m) The development is incompatible with the existing or desired character of its setting, particularly concerning the development on adjoining land and within the locality, given its height, bulk, and scale relative to boundary wall proposals for the rear pavilion and upper floor balcony.

EXTENSION OF TIME TO SPEAK

Moved: **Cr Annette Suann**

Seconded: **Cr Ryan Fernandes**

That Deputy Mayor Cr Paul Kelly be granted an extension of 5 minutes to continue speaking on this item.

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

Against: Nil

CARRIED 6/0

ALTERNATE MOTION AND COUNCIL RESOLUTION 67/26

Moved: Deputy Mayor Cr Paul Kelly

Seconded: Cr Sara Franklyn

That Council **REFUSES** Development Approval for proposed additions and alterations to the existing single house at Lot 35 and 36 (14) Chester Road, Claremont as shown on the amended plans stamped received by the Town on 16 March 2026.

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

Against: Nil

CARRIED 6/0

Cr Ryan Brown returned to the meeting at 8:29 pm.

13.1 LEADERSHIP AND GOVERNANCE

13.1.1 2026/27 PROPOSED DIFFERENTIAL RATES AND MINIMUM PAYMENTS

File Number:	RAV/00155
Author:	Hasreen Syed Maule (Manager Finance)
Authoriser:	Tim Clynych (Interim Chief Executive Officer)
Voting requirement:	Absolute Majority decision of Council (5 Council Members are required to vote in favour).
Attachments:	1. Statement of Rating Objects and Reasons For Differential Rates 2026-27 [13.1.1.1 - 1 page]

PURPOSE

The purpose of this report is to seek Council endorsement of the proposed differential rates and minimum payment for the 2026/27 and Statement of Rating Objects and Reasons for Differential Rates in accordance with section 6.36 of the *Local Government Act 1995*.

OFFICER RECOMMENDATION

That Council:

1. NOTES that there will be a general rate, a minimum rate, commercial rate and specified area rate for the 2026/27 financial year.
2. APPROVES the advertising of proposed differential rates for the 2026/27 financial year in accordance with section 6.36 of the Local Government Act 1995 for public submission on the proposed differential rates and minimum payments as set out in the Statement of Rating Objects and Reasons for Differential Rates (Attachment 1) as follow:
 - a. Residential – Gross Rental Valuation (GRV)
 - Minimum payment: \$1,643.30
 - Rate in the dollar: \$0.0529787
 - b. Commercial – Gross Rental Valuation (GRV)
 - Minimum payment: \$1,643.30
 - Rate in the dollar: \$0.0774276
 - c. Specified area rate – Gross Rental Valuation (GRV)
 - Rate in the dollar: \$0.0023138
3. AUTHORISES the Chief Executive Officer to give public notice (21 days) seeking public submissions on the proposed differential rates and minimum payment for the 2026/27 financial year and for the submission to be considered as part of the Council item proposing the adoption of the 2026/27 annual budget.

BACKGROUND

In accordance with the *Local Government Act 1995*, a local government may impose differential rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or

- (b) a purpose for which the land is held or used as determined by the local government; or
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed (s.6.33).

In 2023/2024 Council first resolved to set different rates in the dollar (RID), known as differential rates for various property types within the district to reflect the different nature, Gross Rental Value (GRV) and costs associated with providing services.

Rating Category	2023/24	2024/25	2025/26
General Rate in Dollar (residential)	\$0.058281	\$0.061486	\$0.0638840
Commercial Rate in Dollar	\$0.071741	\$0.075687	\$0.0786388
Minimum Payment (Commercial and residential)	\$1,421.00	\$1,499.16	\$1,557.63
Specified Area Rate	\$0.001831208	\$0.002441611	\$0.002441611

DISCUSSION

Many local Councils have different rates in the dollar (RID), known as differential rates for the various property types to reflect the different nature and GRV’s and the costs associated with providing services. Having differential rating categories allows the local government some flexibility in minimising the impacts of GRV changes across property types and to assist in generating the rate revenue in a fair and equitable way.

The purpose of imposing differential rating for residential and non-residential (commercial & industrial) are:

1. To obtain a fair and equitable form of revenue raising from all categories of properties in the Town.
2. To recognise different land zoning and land use creates different demands on services.
3. To ensure a more equitable distribution of the cost of services based on the demands of each property category.

The GRV for all properties across the State are updated every three years and the Town received an updated valuation from Landgate effective from 1 July 2026 (2026/27 financial year)

The total valuation from the updated GRV is \$331,091,096, compared to its previous value of \$268,715,841 this equates to an increase of 22.45%. The increase per property category is detailed below:

Rating category	New GRV (\$)	Previous GRV (\$)	% GRV Change
Commercial Rates	72,958,182	71,017,393	2.73%
General Rates	254,674,080	196,460,860	29.63%
Non-Rateable	453,739	425,204	6.71%
Exempt	948,455	812,384	16.75%
	329,034,456	268,715,841	22.45%

With a significant movement to the GRV for the 2026/27 financial year and ensuring the proportion of rates revenue yield from the different rating category remained the same, the officer recommendation is to continue with a differential rating strategy for the Town for the 2026/27 financial year detailed as per below:

Rating Category	Proposed 2026/27
General Rate in Dollar (residential)	\$0.0529787 (decreased by 17.07%)
Commercial Rate in Dollar	\$0.0774276 (decreased by 1.54%)
Minimum Payment (Commercial and residential)	\$1,643.30 (increased by 5.50%)
Specified Area Rate	\$0.002441611 (unchanged)

The proposed differential rating above is estimated to yield a total rates revenue of \$19,655,665 (includes \$120,000 from specified area rate). This is an approximately 5.50% increase to the 2025/26 rates revenue.

The increase incorporates several core operational and capital costs expected to exceed the CPI increases. The following budget assumptions together have been used as the overarching guide in the budget preparation:

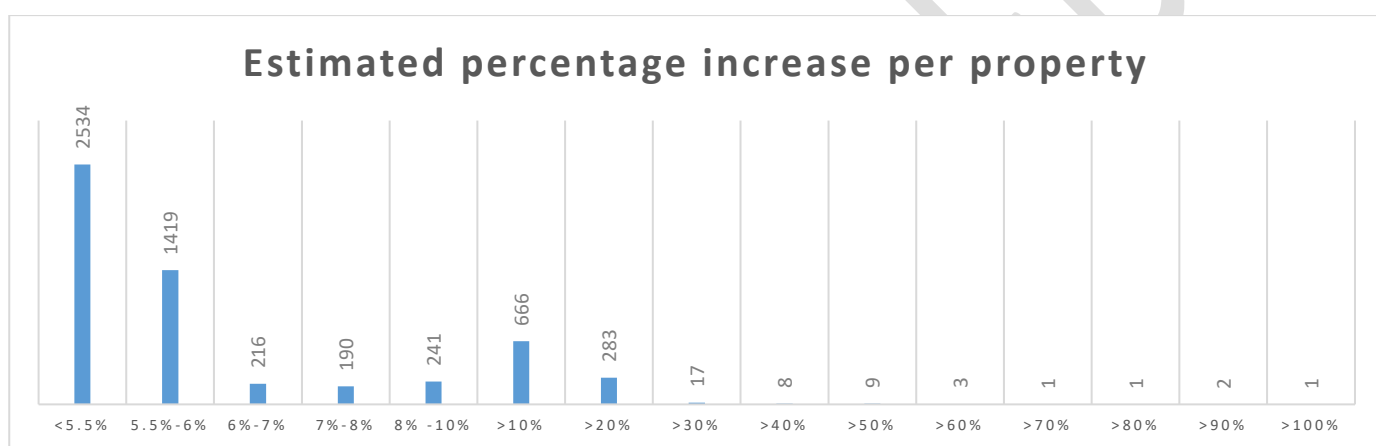
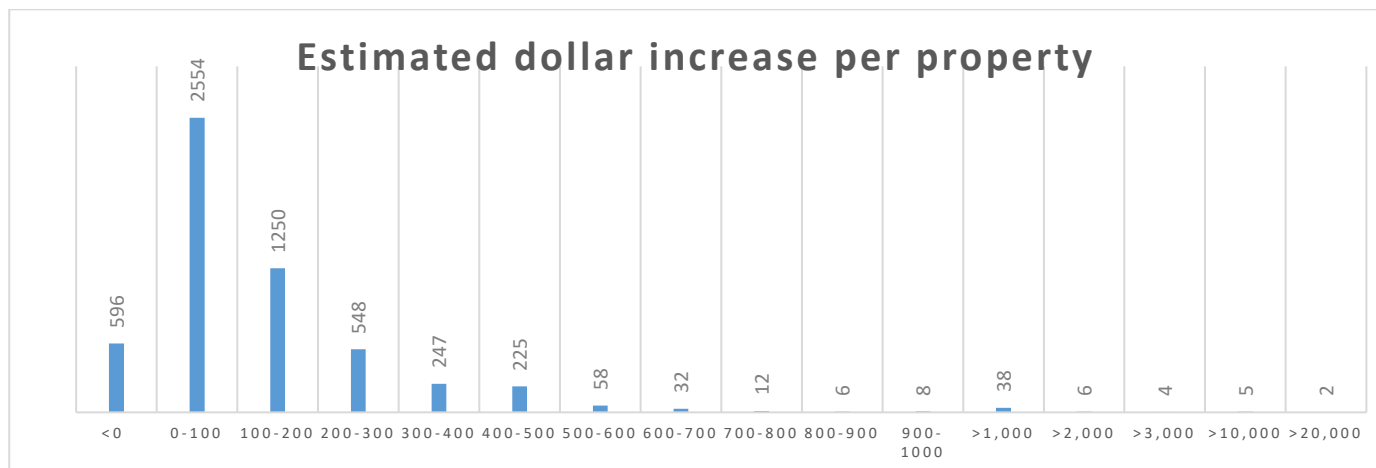
- Fees and charges and interest revenue – increase of 3%
- Employee cost - increase of 3.5%
- Materials – increase of 2.8%
- Contract services and consultancy – increase of 4% plus additional consideration for fuel levy
- Licenses and subscriptions - increase of 4.5%
- Fuel increase – increase of 5%
- Utilities (gas, water and electricity) - increase of 4%
- Street lighting – increase of 5.34%
- Elected member related expenses - 3.5%
- Insurance premium – 8%
- Capital works is estimated to be \$4.6 million
- Grant revenue and contribution – budgeted as per expected revenue

The current properties in the different rating categories are:

- General (residential): 5,465 properties
- Commercial rate: 291 properties
- Specified area rate: 108 properties

The graphs below represent the estimated dollar increase and percentage increase per property, with 68% of property is estimated to be within \$0 to \$200 and approximately 71% of property with increases under 6%.

There are some outliers with high value increases due to the property GRV increases or decreases being greater than the average change.



PAST RESOLUTIONS

Ordinary Council Meeting 29 April 2025, Council Resolution 50/25

That Council:

1. Approves the advertising proposes differential rates for the 2025-2026 financial year.
2. Notes that there will be a general rate, a minimum rate, commercial rate and specified area rate for the 2025-2026 financial year.
3. Requests the Chief Executive Officer to commence the process and to advertise the differential rate as required under Section 6.36 of the Local Government Act 1995.

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1995

COMMUNICATION AND CONSULTATION

Section 6.36(3A) of the *Local Government Act 1995* requires a document to be published on the Town’s website describing the objects of and reasons for each proposed rate.

Section 6.36(a) of the *Local Government Act 1995* requires a local government to, before imposing differential rates, give local public notice of its intention to do so and invite submissions for a minimum period of 21 days.

Council is required to consider any submissions received before imposing the proposed rates via the Annual Budget process (section 6.36(4)).

Should Council resolve to approve advertising, local public notice will be given as soon as possible after the Ordinary Council Meeting via the Town's website, noticeboards, social media and a Newspaper advertisement.

STRATEGIC COMMUNITY PLAN

Leadership and Governance

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

URGENCY

Required to be determined at this meeting as written submission on the proposed differential rating and minimum payment will be presented to Council together with the draft budget at the 30 June 2026 Ordinary Council Meeting.

UNCONFIRMED

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 68/26

Moved: Mayor Peter Telford

Seconded: Deputy Mayor Cr Paul Kelly

That Council:

1. **NOTES** that there will be a general rate, a minimum rate, commercial rate and specified area rate for the 2026/27 financial year.

2. **APPROVES** the advertising of proposed differential rates for the 2026/27 financial year in accordance with section 6.36 of the Local Government Act 1995 for public submission on the proposed differential rates and minimum payments as set out in the Statement of Rating Objects and Reasons for Differential Rates (Attachment 1) as follow:

a. Residential – Gross Rental Valuation (GRV)

- Minimum payment: \$1,643.30
- Rate in the dollar: \$0.0529787

b. Commercial – Gross Rental Valuation (GRV)

- Minimum payment: \$1,643.30
- Rate in the dollar: \$0.0774276

c. Specified area rate – Gross Rental Valuation (GRV)

- Rate in the dollar: \$0.0023138

3. **AUTHORISES** the Chief Executive Officer to give public notice (21 days) seeking public submissions on the proposed differential rates and minimum payment for the 2026/27 financial year and for the submission to be considered as part of the Council item proposing the adoption of the 2026/27 annual budget.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED by Absolute Majority 7/0

13.1.2 LIST OF PAYMENTS 1 TO 31 MARCH 2026

File Number: FIM/00108-003, D-24-30398
Author: Victoria Daniel (Finance Officer)
Authoriser: Tim Clynych (Interim Chief Executive Officer)
Voting requirement Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).
Attachments:

1. Payment Listing - April 2026 [**13.1.2.1** - 4 pages]
2. Purchase Card - April 2026 [**13.1.2.2** - 5 pages]
3. Fuel Card - March 2026 [**13.1.2.3** - 2 pages]

PURPOSE

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

OFFICER RECOMMENDATION

That Council **NOTES** all payments made by the Chief Executive Officer under Delegation DA 2.1.5 for April 2026 totalling \$2,421,477.19 as detailed in Attachment 1 comprising:

- Electronic funds transfer from the Municipal funds of \$2,237,113.43
- Direct debit from the Municipal funds of \$184,363.76

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 \$2,421,477.19 during the month of March 2026.

Payment Method	Amount
Municipal Funds electronic funds transfers (EFT)	\$2,237,113.43
Municipal Fund cheques	\$0.00
Municipal Fund direct debits	\$184,363.76
Total	\$2,421,477.19

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, 28 April 2026, Resolution 58/26

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*

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

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- 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*.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 69/26

Moved: Cr Sara Franklyn

Seconded: Cr Ryan Brown

That Council **NOTES** all payments made by the Chief Executive Officer under Delegation DA 2.1.5 for April 2026 totalling \$2,421,477.19 as detailed in Attachment 1 comprising:

Electronic funds transfer from the Municipal funds of \$2,237,113.43

Direct debit from the Municipal funds of \$184,363.76

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13.1.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 APRIL 2026

File Number: FIM/00079-002
Author: Letticia Chagonda (Accountant), Nicholas Rule (Senior Accountant)
Authoriser: Tim Clynych (Interim Chief Executive Officer)
Voting requirement Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).

Attachments: 1. Financial Statements - April 2026 [**13.1.3.1** - 9 pages]

PURPOSE

For Council to note the Statement of Financial Activity (Financial Statements) for the period ended 30 April 2026.

OFFICER RECOMMENDATION
 That Council **NOTES** the Statement of Financial Activity covering the period 1 July 2025 to 30 April 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 30 April 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 \$6,967,445 to 30 April 2026 is compared directly with the budget YTD of \$5,674,926. This is a favourable variance of \$1,292,519.

As detailed below, the \$1,292,519 variance is comprised of the following:

Opening Surplus	No variance to budget
Operating Revenue	Favourable variance of \$554,622
Operating Expenditure	Favourable variance of \$689,840
Non-cash adjustments	Unfavourable variance of \$20,571
Capital Revenue	No variance to budget
Proceed from disposal of assets	No variance to budget
Capital Expenditure	Favourable variance of \$68,628
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	<p>Favourable variance of \$50,492 due to:</p> <ul style="list-style-type: none"> • Permanent variance: State Library Better Beginnings Community Grant not budgeted for, \$17,260. • Permanent variance: Youth Fashion Mentorship Sponsorship revenue not budgeted for, \$9,091. • Permanent variance: ESL Administration revenue not budgeted for, \$16,454. • Timing variance of, \$7,687.
Fees and charges	<p>Favourable variance of \$332,446 mainly due to:</p> <ul style="list-style-type: none"> • Permanent variance emanating from higher-than-expected fee revenue recognised in Building and Development applications, \$70,915. • Other timing variances of, \$261,531.
Interest earnings	No variance analysis required, variance to budget is less than 20%
Other revenue	<p>Favourable variance of \$131,455 mainly due to:</p> <ul style="list-style-type: none"> • Unbudgeted, reimbursement from LGIS for employee costs, \$43,472. • Variance of \$45,617 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. • Unbudgeted, other minor reimbursements, \$4,423
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 to budget
Purchase and construction of infrastructure	Favourable variance of \$67,132 mainly due to: <ul style="list-style-type: none"> • Permanent variance emanating from savings on completed Aquatic Centre Capital Equipment Purchases, \$38,597. • Timing variance of \$28,535.
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	Repayments required for 2025/26				Principal Balance
	1 July 2025	Date	Principal	Interest	Total	30 June 2026
Loan 2C	\$3,812,296	15 Sep 25	\$174,666.81	\$79,459.69	\$254,126.50	\$3,459,323
331 Stirling Highway		13 Mar 26	\$178,307.39	\$75,819.11	\$254,126.50	
4.17% interest		Maturity date: 13 March 2027 (balloon payment of \$3,345,607)				

rate						
Loan 3		Date	Principal	Interest	Total	
327 Stirling Highway	\$509,621	26 Dec 25	\$31,426.14	\$11,339.08	\$42,765.22	\$446,069
4.45% interest rate		26 Jun 26	\$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 28 April 2026, Council Resolution 59/26

That Council:

1. *Notes the Statement of Financial Activity covering the period 1 July 2025 to 31 March 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*.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 70/26

Moved: Cr Annette Suann

Seconded: Cr Ryan Fernandes

That Council **NOTES** the Statement of Financial Activity covering the period 1 July 2025 to 30 April 2026.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13.1.4 POLICY LG516 FEES, ALLOWANCES AND EXPENSES FOR COUNCIL MEMBERS

File Number:	COM/00032
Author:	Bernadine Tucker (Director Corporate Services)
Authoriser:	Tim Clynych (Interim Chief Executive Officer)
Voting requirement	Simple Majority decision of Council (<i>More than half the Council Members present are required to vote in favour</i>).
Attachments:	1. Attachment 1 - Policy LG 516 - Fees Allowances and Expenses for Elected Members (track changes) [13.1.4.1 - 3 pages]

PURPOSE

For Council to approve amendments to Policy LG516 Fees, Allowances and Expenses for Council Members in line with the Salaries and Allowances Tribunal Determination of 2 April 2026.

OFFICER RECOMMENDATION

That Council **AMENDS** Policy LG516 Fees, Allowances and Expenses for Council Members as contained in attachment 13.1.4.1.

BACKGROUND

Policy LG516 was adopted on 7 July 2009 and has been regularly reviewed and amended since. The policy was last modified on 28 October 2025. This policy describes the fees Elected members are entitled to receive for attending meetings, or reimbursement entitlements under the *Local Government Act 1995*.

The fees to be paid to Elected Members is determined by the Salaries and Allowances tribunal.

Policy LG516 sets annual meeting fees and Mayoral allowances at the maximum level set by the Salaries and Allowances Tribunal.

DISCUSSION

On 2 April 2026, the Salaries and Allowance Tribunal (Tribunal) made its annual Determination of Local Government Chief Executive Officers and Elected Member entitlements.

The Determination approved increases of 3.5% for a range of remunerations including CEO salary bands and Elected Member meeting fees/allowance bands, Mayor/President sitting fees, annual allowances and independent member meeting fees.

The Determination also amended the ICT expenses for Elected Members:

“With respect to ICT expenses, the allowance is provided to cover expenses incurred by an elected member if they purchase ICT equipment and for related expenses. If ICT equipment is supplied to elected council members by a local government, the allowance is to be reduced by the cost of the supplied ICT equipment”.

As Policy LG516 states the ICT allowance is paid at the maximum level set by the Tribunal, it is proposed to amend the policy to accommodate the latest Determination by the Tribunal.

As the Determination isn't retrospective, amendments to the policy will only apply to the future provision of ICT equipment.

PAST RESOLUTIONS

[Ordinary Council Meeting 28 October 2025, Council Resolution 168/25](#)

FINANCIAL AND STAFF IMPLICATIONS

Nil.

POLICY AND STATUTORY IMPLICATIONS

[LG516 Fees Allowances and Expenses for Council Members](#)

[Salaries and Allowances Tribunal Determination dated April 2026](#)

[Division 8 of the *Local Government Act 1995*](#)

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

Not urgent.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 71/26

Moved: Cr Jill Goetze

Seconded: Cr Annette Suann

That Council **AMENDS** Policy LG516 Fees, Allowances and Expenses for Council Members as contained in attachment 13.1.4.1.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13.1.5 POLICY EN308 GRAFFITI ERADICATION POLICY

File Number:	COM/00032
Author:	Kevin Ketterer (Director Infrastructure)
Authoriser:	Tim Clynch (Interim Chief Executive Officer)
Voting requirement	Simple Majority decision of Council (<i>More than half the Council Members present are required to vote in favour</i>).
Attachments:	<ol style="list-style-type: none">Attachment 1 - Policy EN 308 Graffiti Eradication (track changes) [13.1.5.1 - 2 pages]Attachment 2 - Policy EN 308 Graffiti Eradication (changes incorporated) [13.1.5.2 - 2 pages]

PURPOSE

For Council to approve amendments to Policy EN308 Graffiti Eradication Policy to make it clearer regarding responsibilities and management of graffiti removal in the Town.

OFFICER RECOMMENDATION

That Council **AMENDS** Policy EN308 Graffiti Eradication as contained in attachment 13.1.5.2.

BACKGROUND

Policy EN308 Graffiti Eradication was adopted by Council on 7 July 2009 and has been regularly reviewed and amended since. This policy was last modified on 18 December 2018. This policy describes responsibilities and management of graffiti removal in the Town.

DISCUSSION

In March 2026, suggested amendments to the policy were presented to Elected Members at a Concept Forum where further clarification was sought on several items. Since then, the policy has been further reviewed.

Attachment 1 contains the suggested tracked changes to the policy and attachment 2 is the clean version with the changes incorporated.

Changes to this policy aligns with the *Graffiti Vandalism Act 2016*.

PAST RESOLUTIONS

[Ordinary Council Meeting 28 October 2025, Council Resolution 168/25](#)

FINANCIAL AND STAFF IMPLICATIONS

Nil.

POLICY AND STATUTORY IMPLICATIONS

[Graffiti Vandalism Act 2016](#).

[Policy EN308 Graffiti Eradication](#)

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

Not urgent.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 72/26

Moved: Cr Sara Franklyn

Seconded: Cr Ryan Brown

That Council **AMENDS** Policy EN308 Graffiti Eradication as contained in attachment 13.1.5.2.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

UNCOM

13.1.6 MINOR DELEGATION REVIEW

File Number:	COM/00031-03
Author:	Bernadine Tucker (Director Corporate Service), Kevin Ketterer (Director Infrastructure)
Authoriser:	Tim Clynych (Interim Chief Executive Officer)
Voting requirement:	Absolute Majority decision of Council (5 Council Members are required to vote in favour).
Attachments:	<ol style="list-style-type: none">1. DA 2.1.6 Tenders for Goods and Services [13.1.6.1 - 2 pages]2. New Delegation DA 2 1 23 Minor Amendments to Delegations Register and Poli [13.1.6.2 - 1 page]

PURPOSE

This report proposes to amend, and implement a new, Delegations to the CEO.

1. Amend Delegation DA 2.1.6 Tenders for Goods and Services to accommodate unexpected fuel increases in contracts; and
2. A new delegation to make minor administrative amendments to the Delegations Register and Policies which do not change the intent of the document.

OFFICER RECOMMENDATION

1. **APPROVES** the amendment to delegation DA 2.1.6 Tenders for Goods and Services as contained in attachment 13.1.6.1.
2. **APPROVES** new delegation DA 2.1.23 Minor Amendments to Delegations Register and Policies as contained in attachment 13.1.6.2.

BACKGROUND

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

DISCUSSION

Delegation DA 2.1.6 Tenders for Goods and Services

This delegation allows for minor amendments to contracts prior to finalisation, but there is no provision for amendments to contract post finalisation.

Following recent international events and the resulting abnormal increases in fuel costs, the Town has received many requests from contractors and service providers for the implementation of a fuel levy or some form of compensation mechanism for such fuel increases. In total, such variations represent a small proportion of the contract value and are unlikely to exceed 10% of the contract expenditure in a financial year.

Since then, the Australian Government has introduced a Road Transport Contractual Chain Order which legislatively requires consideration of these requests.

It is suggested that this delegation be amended to provide for the variation of contracts up to 10% of value, which would allow for the approval of fuel cost increases as required by the Road Transport Contractual Chain Order. In this case, the mechanism for assessment of claims has already been defined as required by

the Road Transport Contractual Chain Order but cannot be implemented without Council approval of the delegation amendment.

DA 2.1.23 Minor Amendments to Delegations Register and Policies

Delegations are reviewed once every financial year in accordance with the Act and are subsequently presented to Council where recommended changes are proposed. However, there are occasions when a delegation (or policy) needs to be amended due to legislative changes, officer responsibility changes or when spelling and grammatical errors need adjusting.

Providing Councillors with ad hoc agenda items to adjust delegations and policies for administrative purposes only, is not an effective use of the Council meeting process. Therefore, it is recommended a delegation be provided to the CEO to authorise such changes. Administrative changes can subsequently occur as they are realised, resulting in the documents being as current as practicable whilst reducing the unnecessary administrative burden on Council and staff.

It is important to note that under this proposed Delegation, the intent of the delegation or policy cannot be changed without Council endorsement. Instead, the Delegation is restricted to administrative amendments only.

PAST RESOLUTIONS

[Ordinary Council Meeting 24 June 2025, Council Resolution 83/25](#)

FINANCIAL AND STAFF IMPLICATIONS

Nil.

POLICY AND STATUTORY IMPLICATIONS

[Section 5.42 and 5.44 of the Local Government Act 1995.](#)

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

URGENCY

Not urgent.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 73/26

Moved: Cr Ryan Fernandes

Seconded: Cr Annette Suann

1. **APPROVES** the amendment to delegation DA 2.1.6 Tenders for Goods and Services as contained in attachment 13.1.6.1.
2. **APPROVES** new delegation DA 2.1.23 Minor Amendments to Delegations Register and Policies as contained in attachment 13.1.6.2.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED by Absolute Majority 7/0

UNCONFIRMED

13.1.7 NEW POLICY EN315 DINGHY STORAGE ON RIVER FORESHORE

- File Number:** COM/00032
- Author:** Kevin Ketterer (Director Infrastructure)
- Authoriser:** Tim Clynch (Interim Chief Executive Officer)
- Voting requirement:** Simple Majority decision of Council (*More than half the Council Members present are required to vote in favour*).
- Attachments:**
 1. Dinghy Storage on River Foreshore [**13.1.7.1** - 2 pages]
 2. Attachment 2 - Claremont Foreshore Dinghy Storage Layout Plan [**13.1.7.2** - 1 page]

PURPOSE

For Council to approve new Policy EN315 Dinghy Storage on River Foreshore.

OFFICER RECOMMENDATION

That Council ADOPTS Policy EN315 Dinghy Storage on River Foreshore as contained in attachment 13.1.7.1.

BACKGROUND

At the Foreshore Advisory Committee meeting held 19 February 2026, the following recommendation was made:

“The Foreshore Advisory Committee recommends that the dinghy storage facility is to be designed and managed in-house as opposed to the engagement of a consultant”.

A plan showing the current dinghy storage area, above the high-water mark to the west of the Claremont Yacht Club entrance, is provided in attachment 2. This plan also shows a proposed dinghy storage layout.

Currently, the Town does not have any policy for managing dinghies stored on the river foreshore.

DISCUSSION

To manage the storage of dinghies on the river foreshore, it is recommended that Council adopt a new policy as contained in Attachment 1. This new policy formalises how dinghies may be stored on river foreshore reserves while protecting and enhancing public open space. It provides for the use of foreshore parkland for dinghy storage, aims to reduce environmental impacts (such as damage to trees and native vegetation caused by tethering dinghies), and ensures that the number of stored dinghies on public land remains appropriate and sustainable.

Implementing this policy will initiate the requirements dinghy owners to obtain a permit and pay an annual fee for a dedicated dinghy storage area on the river foreshore.

PAST RESOLUTIONS

Nil.

FINANCIAL AND STAFF IMPLICATIONS

Nil.

POLICY AND STATUTORY IMPLICATIONS

[Part 6 Division 5, subdivision 2, Local Government Act 1995](#)

[Swan and Canning Rivers Management Act 2006](#)

[Swan and Canning Rivers Management Regulations 2007](#)

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

Not urgent.

OFFICER RECOMMENDATION

That Council **ADOPTS** Policy EN315 Dinghy Storage on River Foreshore as contained in attachment 13.1.7.1.

PROCEDURAL MOTION 74/26

Moved: Cr Jill Goetze

Seconded: Cr Sara Franklyn

That Council defers consideration of this item to a future Council meeting so that a Concept Forum can be held to discuss this policy further.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

13.3 PEOPLE

Nil

13.4 ENVIRONMENTAL SUSTAINABILITY

Nil

13.5 LOCAL PROSPERITY

Nil

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Brown shared that he attended the Foreshore Advisory Committee.

Cr Suann shared that she attended the Autumn in Motion Fashion Event at Claremont Quarter, the Concept Forum, and volunteered at the Direct Reach Ethiopia (DRE) pre-loved clothing sale organised by Cr Franklin. She also attended the Youth Photography Competition, the Lake Claremont Tennis Club Trophy Night, the Red Cross Bindaring Clothing Sale at Claremont Showground, the Volunteer Thank You Event, and the Foreshore Advisory Committee meeting.

Cr Goetze thanked the Interim CEO for his service and leadership. She shared that she attended the Bindaring Fashion Parade photo shoot with the Mayor, the Autumn in Motion Fashion Event at Claremont Quarter, History in a Coffee Cup, An Afternoon at Lake Claremont where she acted as MC, the Youth Photography Competition, and the Lake Claremont Advisory Committee meeting.

Cr Franklin shared that she attended the Lake Claremont Advisory Committee meeting as Chair. She reported on the success of the DRE Pre-Loved Clothing Sale and thanked the Town's staff for their support in facilitating the event.

Deputy Mayor Kelly shared that he attended several forums and events during the month. He attended An Afternoon at Lake Claremont and the Claremont Football Club Centenary Match with the Mayor.

Cr Fernandes shared that he attended the Concept Forum, An Afternoon at Lake Claremont, the Youth Photography Competition, and the Volunteer Awards event. He also advised that he has commenced the Local Government Diploma and completed the first two units.

Mayor Telford acknowledged the various activities attended by Councillors throughout the month. He shared that he attended the Poppy Walk. He also spoke about the value of the Town's Museum collection, the popularity of the History in a Coffee Cup program. The Mayor concluded by thanking the Interim CEO for his service and contribution to the Town.

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**PROCEDURAL MOTION 75/26****Moved:** Cr Ryan Brown**Seconded:** Cr Ryan Fernandes

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to members of the public with the following subsections applicable:

s.5.23(4)(c) - information contained in a tender received by the local government for a contract to the extent that the information — (i) is a tendered price or (ii) a tendered methodology for calculating a price.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn**Against:** Nil**CARRIED 7/0**

The doors were closed at 8.45pm.

All staff and members of the gallery left the Chambers.

The Interim Chief Executive Officer, Director Corporate Services, Director Infrastructure, Interim Director Planning and Environment, Manager of Governance and Coordinator Governance remained in the Chambers.

17.1 LEADERSHIP AND GOVERNANCE

Nil

17.2 LIVEABILITY

17.2.1 RFT 01-2026 ELECTRICAL MAINTENANCE REPAIRS AND SERVICES

REASON(S) FOR CONFIDENTIALITY

Section 5.23(2) of the *Local Government Act 1995*:

s.5.23(4)(c) - information contained in a tender received by the local government for a contract to the extent that the information — (i) is a tendered price or (ii) a tendered methodology for calculating a price.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 76/26

Moved: Cr Jill Goetze

Seconded: Deputy Mayor Cr Paul Kelly

That Council:

1. **Accepts**, subject to the execution of relevant contract documentation, the submission from Platinum Electricians Pty Ltd for the provision of Electrical Maintenance Repairs and Services to the Town of Claremont for the period of two years, with a possible one-year extension, in accordance with RFT 01-2026.
2. **Authorises** the CEO to execute the contract and any associated documentation to give effect to this decision.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Jill Goetze, Cr Sara Franklyn, Cr Ryan Brown and Cr Annette Suann

Against: Nil

CARRIED 7/0

17.2.2 RFT 02-2026 CIVIL INFRASTRUCTURE CLEANING AND MAINTENANCE

REASON(S) FOR CONFIDENTIALITY

Section 5.23(2) of the *Local Government Act 1995*:

s.5.23(4)(c) - information contained in a tender received by the local government for a contract to the extent that the information — (i) is a tendered price or (ii) a tendered methodology for calculating a price.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION 77/26

Moved: Cr Sara Franklyn

Seconded: Cr Annette Suann

That Council:

1. **Accepts**, subject to the execution of relevant contract documentation, the submission from Clean City Group for the provision of Civil Infrastructure Cleaning and Maintenance to the Town of Claremont for the period of two years, with a possible one-year extension, in accordance with RFT 02-2026.
2. **Authorises** the CEO to execute the contract and any associated documentation to give effect to this decision.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Jill Goetze, Cr Sara Franklyn, Cr Ryan Brown and Cr Annette Suann

Against: Nil

CARRIED 7/0

17.3 PEOPLE

Nil

17.4 ENVIRONMENTAL SUSTAINABILITY

Nil

17.5 LOCAL PROSPERITY

Nil

PROCEDURAL MOTION 78/26

Moved: Cr Sara Franklyn

Seconded: Cr Ryan Brown

That the meeting be reopened to members of the public and press.

For: Mayor Peter Telford, Deputy Mayor Cr Paul Kelly, Cr Ryan Fernandes, Cr Ryan Brown, Cr Annette Suann, Cr Jill Goetze and Cr Sara Franklyn

Against: Nil

CARRIED 7/0

The doors were opened at 8:48 pm.

Mayor Telford read aloud the resolutions made behind closed doors.

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 30 June 2026 at 7.00pm.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 8:49 pm.

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PRESIDING MEMBER