



MINUTES

Ordinary Council Meeting Tuesday, 6 October 2020

Date: Tuesday, 6 October 2020

Time: 7.00pm

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

**Liz Ledger
Chief Executive Officer**

DISCLAIMER

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

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**MINUTES OF TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
HELD AT THE TOWN OF CLAREMONT, CLAREMONT COUNCIL CHAMBERS, 308 STIRLING
HIGHWAY, CLAREMONT
ON TUESDAY, 6 OCTOBER 2020 AT 7.00PM**

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 7.01pm.

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

PRESENT:

Mayor Jock Barker
Deputy Mayor Cr Jill Goetze
Cr Peter Browne OAM, JP
Cr Sara Franklyn
Cr Peter Edwards
Cr Bruce Haynes
Cr Paul Kelly
Cr Kate Main
Cr Annette Suann
Cr Peter Telford

IN ATTENDANCE:

Liz Ledger (Chief Executive Officer)
Andrew Smith (Director Infrastructure and Financial Management)
Bree Websdale (Director, Governance and People)
David Vinicombe (Director Planning and Development)
Amanda Bryant (Manager Community Engagement)
Brett Williamson (Coordinator Governance and Risk)
Kerith Barbetti (Administration Officer, Governance)

2 members of the Public, 2 members of the Press

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

3 DISCLOSURE OF INTERESTS

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 PUBLIC STATEMENT TIME

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION 143/20

Moved: Cr Peter Browne OAM, JP

Seconded: Cr Annette Suann

That the minutes of the Ordinary Meeting of Council held on 15 September 2020 be confirmed.

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0

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

Nil

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

12 REPORTS OF COMMITTEES

12.1 CLAREMONT TOWN CENTRE ADVISORY COMMITTEE

12.1.1 MINUTES OF THE CLAREMONT TOWN CENTRE ADVISORY COMMITTEE MEETING HELD ON 8 SEPTEMBER 2020

File Number: GOV/00048-03, D-20-09754

Author: Isabelle Cadman, Administration Officer Infrastructure

Authoriser: Bree Websdale, Acting CEO

Attachments: 1. Minutes of the Claremont Town Centre Advisory Committee Meeting held on 8 September 2020

RESOLUTION 144/20

Moved: Cr Annette Suann

Seconded: Cr Jill Goetze

That the Minutes of the Claremont Town Centre Advisory Committee Meeting held on 8 September 2020 be received and the recommendations therein be adopted.

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0

13 REPORTS OF THE CEO

13.1 LIVEABILITY

13.1.1 REVIEW OF THE BOX TREE REPLACEMENT POLICY

File Number: PRK/00135, D-20-34298

Author: Andrew Smith, Director Infrastructure and Financial Management

Authoriser: Bree Websdale, Acting CEO

Attachments: 1. **Schedule of Box Tree Applications and Removals** [↓](#) 
2. **Feedback letter - box tree removals - Confidential**

PURPOSE

In November 2018, Council resolved;

That applications from the property owners for the removal of box trees in the verge outside their properties may be approved subject to:

- 1. Removed trees are to be replaced with a designated tree according to the Street Tree Master Plan.*
- 2. Removal and installation of replacement tree to be at a cost of applicant and set at \$3,400 per tree.*
- 3. Council's Fees and Charges Schedule be amended to reflect the charge, and the charge be reviewed each financial year.*
- 4. All the works be undertaken by the Town.*
- 5. No more than 10% of all the trees in any one street, be proactively replaced during any 12 month period and a maximum of 85 box trees per year can be removed.*
- 6. To be reviewed after a two year trial period.*

Since this resolution, this process has been reflected in the Council's adopted fees and charges and the Town's website.

As stipulated in the original resolution of November 2018, this resolution is subject to review after a two year trial period, which falls due in November 2020.

This report sets out the findings, use, feedback and any community (and officer) concerns with this 'policy' since its adoption and utilisation.

BACKGROUND

Since this resolution in November 2018, the Town has received 22 applications from residents to remove the box tree/s at the front of their property.

Of these 22 applications, 8 have not resulted in payment having been received (as required) so have not progressed beyond initial application, with 2 of these applications (for which payment has been received) for applications for more than 1 tree.

This has resulted in 16 trees in total being removed, with 11 replacement trees planted and 5 proposed to be planted later in 2020.

Attached to this report is copy of the record of applications, removals and trees planted since this resolution was passed (Attachment 1).

Of the 11 replacement trees that have been planted, 10 of these are in good health with 1 appearing to have been subsequently removed.

The resolution of Council and the ability for residents to seek the removal of the box tree at the front of their property is also reflected on the Town's website, which provides;

Queensland box trees

You can apply for Queensland box trees on your street to be replaced with other species.

Box trees can be removed by the Town where:

- *The removed tree is replaced with a designated tree according to the Town's street tree masterplan*
- *The resident pays \$3,400 per tree*
- *Each year, no more than 10% of all the trees on any one street are replaced, and a maximum of 85 box trees throughout the Town*

For more information:

- *View the full council motion and resolution under 'policies, plans and resolutions' (above)*
- *Apply to remove and replace a street tree under 'forms' (above)*

DISCUSSION

Since the November 2018 resolution of Council, the process of actively removing mature box trees in the Town has been the subject of feedback from a variety of sources.

There was considerable feedback, primarily through Council question time, in respect to the fee structure established in November 2018 for removal applications.

There has also recently been written correspondence received (which was also sent to each Councillor) after a recent box tree removal, with a neighbouring resident having serious concerns with the practice and the detrimental impact of the removal of the tree on the amenity of the area.

A copy of this letter as received, is attached to this report (Attachment 2).

Council officers have also indicated that in many instances where box trees were removed, complaints were received from nearby residents concerned about the loss of the tree in question and the lack of public consultation before such works were undertaken.

The resolution of November 2018 provides no provision for officer discretion upon receipt of an application and payment of the prescribed fee, unless the application seeks to remove more than 10% of such trees in any street or greater than 85 trees in any calendar year.

As a result, an application for removal of a single tree that meets the prescribed criteria, can only be approved. This is regardless of the consequential impact on the overall street scape or amenity of the area.

In the majority, most of the trees that have been removed can be accommodated or generate minimal detrimental impact, due to the extensive tree canopy that exists in the subject area, however this is not always the case and some trees removed have been very large specimens of considerable age.

The original report of November 2018 stated that of the 6568 street trees (at that time) in the Town, 1459 of these are Queensland Box trees, or over 22%. A substantial number of these trees are 50-60 years old and would be expected to live for another 30 years with canopies of up to 14 metres in width, a canopy size which is larger than half of the other trees as listed in the Street Tree Masterplan.

Whilst it is evident that the loss of 16 trees as a direct result of this resolution is not significant, given the very large number of trees in the Town (the amount removed equates to less than 0.3%), this resolution and the ability for otherwise healthy mature trees to be removed, does contradict existing Council Policies which state;

- *Street trees will generally only be removed where they are dead, diseased or dangerous – Policy EN305 (Street Trees).*

- *The Town encourages architects, designers and developers to make every reasonable effort to incorporate existing mature specimens and new trees into plans for development thereby improving the value, amenity and beauty of the specific development, to the benefit of the whole community – Policy EN306 (Tree Preservation).*

The status of the Town of Claremont as the State's leafiest urban Council was confirmed by the recent 2020 Vision's report which stated;

"The Town of Claremont is celebrated as Western Australia's leafiest urban council. Its green spaces and plentiful trees and shrubs make it the WA council least vulnerable to extreme heat, as recognised in a study by national campaigners 2020 Vision.

2020 Vision's report found that the Town's green canopy made it the only urban council in WA, and one of only 12 nationwide, to achieve a low heat vulnerability rating."

Council's Policies both reflect this status, seek to enforce its continuity, and obligate its residents and Council officers to employ strategies that seek to protect the green spaces, trees and amenity status of the area.

The resolution of November 2018, whilst seeking to reflect the concerns of some residents who desired to see the replacement of Queensland Box trees in the district, appears to be contrary to these ideologies reflected in the Council Policies, even if the Box Trees in question are not considered ideal specimens in an urban setting or are not considered to be a popular species.

In recent years Councillors would also be aware that the Town has been affected by significant tree losses in WA Peppermint Trees (Agonis) with it now commonly accepted that this is as a result of a die back pathogen strain.

Last year 55 trees died and had to be replaced, and prior to Council's agreement to the use of trial species outside of the adopted Street Tree Master Plan, many replacement plantings (which until 2020 were also Agonis) also died and in some cases many times over.

In more recent months there has also been an outbreak of a disease affecting the Norfolk Island Pines in Cottesloe, with a genuine concern held by many that this will spread to Pine trees in the west of the Town, unless a suitable control can be identified and implemented.

Also relevant to this discussion is Policy EN306, which states;

The ambience of Town of Claremont is characterised by well-developed leafy trees and the associated prolific bird life. The Town considers that our trees are:

- *An important community asset;*
- *A part of our heritage;*
- *Add to the value of property; and*
- *Contribute significantly to the amenity of the Town.*

Policy EN305 further states;

Council affirms that the Town of Claremont street tree urban forest is a valuable community asset for environmental, aesthetic and social reasons including shade, heat reduction, and habitat for native fauna, visual amenity and replenishment of the atmosphere.

Given these broad principles and the status of the Town both within the State and nationally in respect to tree coverage, the provision of an approval system that allows for perfectly healthy mature trees of considerable size to be removed, on the basis of their species type, appears to be contrary to the Policies of Council and the standing of the Town in respect to its canopy and tree protection.

Council's Parks and Environment officers have advised that where significant specimens of Box Trees are removed, the replacement tree will take 10-15 years on average to reach the same size and generate the same extent of canopy.

As such, whilst replacement of the tree species might be the intended outcome of the current Policy, the detrimental impact to tree canopy and amenity will exist for many years after the Box Tree is removed.

If Council believes that the removal of Queensland Box trees is something that should continue through the retention of the existing Policy, then it is suggested that some limits or parameters need to be considered with respect to how approvals for Box Tree removal are assessed including;

- Restrict removals to exclude trees over a certain age or size (canopy or trunk).
- Require that removal of trees on those streets where such removal would have a detrimental impact on the broader amenity of the neighbourhood, are excluded from approval.

Council officers have been asked to consider how a set of variables might be developed to allow for the continued removal of these trees whilst recognising the desire to limit the adverse impact of such removals on amenity and tree cover.

In developing such parameters, officers have advised that;

- Most of the Box Trees in the district would be older than 20 years of age, as they were planted in large numbers some time ago, but are not a commonly planted tree now. As such, most applications relate to the removal of very mature trees,
- Many of the Box Trees were pruned to cater for the then overhead powerlines, so their current canopy cover may be restricted and not indicative of the age, these trees will continue to grow and the canopies extend as the tree fully recovers following the underground power projects being completed.
- Pruning in respect to overhead power lines has also restricted vertical growth of many of these trees, which would otherwise be very significant specimens.

As a result, creating a simple methodology to place a value on these trees, given these known restrictions is more difficult than it might otherwise appear.

It is therefore suggested that instead of there being an open ended Policy where the payment of the prescribed fee automatically implies approval, Council restricts the Policy to only be applicable to those applications that satisfy certain criteria, thereby seeking to protect both significant and otherwise healthy specimens, and also recognise the detrimental impact that the loss of a tree might have in a particular setting.

PAST RESOLUTIONS

Ordinary Council Meeting 20 November 2018;

That applications from the property owners for the removal of box trees in the verge outside their properties may be approved subject to:

1. *Removed trees are to be replaced with a designated tree according to the Street Tree Master Plan.*
2. *Removal and installation of replacement tree to be at a cost of applicant and set at \$3,400 per tree.*
3. *Council's Fees and Charges Schedule be amended to reflect the charge, and the charge be reviewed each financial year.*
4. *All the works be undertaken by the Town.*
5. *No more than 10% of all the trees in any one street, be proactively replaced during any 12 month period and a maximum of 85 box trees per year can be removed.*
6. *To be reviewed after a two year trial period.*

FINANCIAL AND STAFF IMPLICATIONS

The fee as established for the removal of Queensland Box trees was set at \$3,400 via resolution of Council in November 2018. This fee was based on the removal of the existing tree, the provision of the replacement tree, its planting and establishment, as well as the planned 2 year watering and care of the tree by Council staff during this initial establishment phase.

It should also be considered that losses of trees encountered after planting would also require the process to start again, with a new tree, removal of the dead tree and the costs associated with establishing the next tree.

POLICY AND STATUTORY IMPLICATIONS

- EN304 – Tree Protection
- EN305 – Street Trees
- EN306 – Tree Preservation

COMMUNICATION / CONSULTATION

Community consultation was not undertaken when the original November 2018 resolution was approved.

Consultation since that time has been limited to that arising with applicants, residents who have raised concerns with the removal of trees or with the fee and charges structure as established.

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.

- Provide clean, usable, attractive and accessible streetscapes and public spaces.

URGENCY

No urgency to this matter beyond that established by Council in seeking a 2 yearly review of the November 2018 resolution.

VOTING REQUIREMENTS

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

OFFICER RECOMMENDATION

That Council:

1. **Following review of its resolution of November 2018, resolves that applications from property owners for the removal of Queensland Box Trees on the verge outside of their properties will only be considered if;**
 - a) **The subject tree is required to be removed to accommodate development, or the construction of a driveway or crossover that cannot otherwise be accommodated.**
 - b) **The subject tree is required to be removed due to adverse impacts to adjacent property.**
 - c) **The removal of the subject tree does not, in the opinion of the Chief Executive Officer, result in significant detrimental impact to the amenity of the location or street from which it is proposed to be removed.**
 - d) **The subject tree does not comprise any more than 10% of the total trees or canopy cover in the street in which it is located.**

- e) **Removed trees are to be replaced with a designated tree according to the Street Tree Master Plan or species as stipulated by the Town of Claremont.**
- f) **Removal and installation of replacement tree is to be at the cost of the applicant and set at \$3,400 per tree.**
- g) **All works associated with the removal, replacement installation, care and maintenance of the tree is to be undertaken by the Town of Claremont or its appointed contractors.**
- h) **No more than 10% of all the trees in any one street, may be considered for removal during any 12 month period with no more than 20 box trees per year able to be removed across the district during this same 12 month period.**

The motion lapsed for want of a Mover.

RESOLUTION 145/20

ALTERNATIVE MOTION

Moved: Cr Sara Franklyn

Seconded: Cr Bruce Haynes

That the motion be amend to the following:

1. **That Council, following review of its resolution of November 2018, resolves that applications from property owners for the removal of Queensland Box Trees on the verge outside of their properties will only be approved if, in the opinion of the Chief Executive Officer;**
 - a) **The subject tree is required to be removed to accommodate development, or the construction of a driveway or crossover that cannot otherwise be accommodated, or**
 - b) **The subject tree is required to be removed due to adverse impacts to adjacent property.**

Any tree removal approved in accordance with clauses a) and b) of this resolution are subject to the following criteria;

 - I. **Removed trees are to be replaced (at a specified location) with a designated tree according to the Street Tree Master Plan or species as stipulated by the Town of Claremont.**
 - II. **Removal and installation of the replacement tree is to be at the cost of the applicant and set at \$3,400 per tree.**
 - III. **All works associated with the removal, replacement, installation, care and maintenance of the tree is to be undertaken by the Town of Claremont or its appointed contractors.**
2. **All other applications for the removal of Box Trees will be considered, only if;**
 - a) **The removal of the subject tree does not, in the opinion of the Chief Executive Officer, result in significant detrimental impact to the amenity of the location or street from which it is proposed to be removed.**

- b) The subject tree does not comprise any more than 10% of the total trees or canopy cover in the street in which it is located.
- c) Removed trees are to be replaced with a designated tree according to the Street Tree Master Plan or species as stipulated by the Town of Claremont.
- d) Removal and installation of replacement tree is to be at the cost of the applicant and set at \$3,400 per tree.
- e) All works associated with the removal, replacement installation, care and maintenance of the tree is to be undertaken by the Town of Claremont or its appointed contractors.
- f) No more than 10% of all the trees in any one street, may be considered for removal during any 12 month period with no more than 20 box trees per year able to be removed across the district during this same 12 month period.

Reason: Whilst not changing the criteria, the wording has been changed to provide greater clarity as to how the conditions of the Policy will be applied.

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0

RESOLUTION 146/20

AMENDMENT

Moved: Cr Bruce Haynes

Seconded: Cr Annette Suann

That the motion be amended to insert the words 'after considering submission from adjoining neighbours' after the words 'Chief Executive Officer' to point 2 a)

Reason: To provide neighbours input into the decision making process.

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0

RESOLUTION 147/20

AMENDED PRIMARY MOTION WAS PUT

1. That Council, following review of its resolution of November 2018, resolves that applications from property owners for the removal of Queensland Box Trees on the verge outside of their properties will only be approved if, in the opinion of the Chief Executive Officer;

- a) The subject tree is required to be removed to accommodate development, or the construction of a driveway or crossover that cannot otherwise be accommodated, or
- b) The subject tree is required to be removed due to adverse impacts to adjacent property.

Any tree removal approved in accordance with clauses a) and b) of this resolution are subject to the following criteria;

- I. Removed trees are to be replaced (at a specified location) with a designated tree according to the Street Tree Master Plan or species as stipulated by the Town of Claremont.
 - II. Removal and installation of the replacement tree is to be at the cost of the applicant and set at \$3,400 per tree.
 - III. All works associated with the removal, replacement, installation, care and maintenance of the tree is to be undertaken by the Town of Claremont or its appointed contractors.
2. All other applications for the removal of Box Trees will be considered, only if;
- a) The removal of the subject tree does not, in the opinion of the Chief Executive Officer after considering submission from adjoining neighbours', result in significant detrimental impact to the amenity of the location or street from which it is proposed to be removed.
 - b) The subject tree does not comprise any more than 10% of the total trees or canopy cover in the street in which it is located.
 - c) Removed trees are to be replaced with a designated tree according to the Street Tree Master Plan or species as stipulated by the Town of Claremont.
 - d) Removal and installation of replacement tree is to be at the cost of the applicant and set at \$3,400 per tree.
 - e) All works associated with the removal, replacement installation, care and maintenance of the tree is to be undertaken by the Town of Claremont or its appointed contractors.
 - f) No more than 10% of all the trees in any one street, may be considered for removal during any 12 month period with no more than 20 box trees per year able to be removed across the district during this same 12 month period.

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford



Against: Nil

CARRIED 10/0

Box Tree Removals

application received	memo sent to CEO	memo approved	# of box trees	letter sent with	payment received	replacement tree planted	notes
8 osborne parade	yes	yes 20/12/18	2	22/01/2019	yes	yes	
2 king street	yes	yes 20/12/18	3	22/01/2019	yes	yes	
14 langsford street	yes	yes 20/12/18	1	22/01/2019	no		request cancelled
5 scott street	yes	yes 20/12/18	1	22/01/2019	no		
9a hammond road	yes	yes 20/12/18	1	22/01/2019	yes	yes	
10 osborne parade	yes	yes 20/12/18	1	22/01/2019	no		
50 princess road	yes	yes 20/12/18	1	22/01/2019	yes	yes	
2a walter street	yes	yes 20/12/18	1	22/01/2019	yes	yes	
19 claremont crescent	yes	yes 20/12/18	1	22/01/2019	no		request cancelled
3a walter street	yes	yes 20/12/18	1	22/01/2019	no		
22 vauclose avenue	yes	yes 20/02/19	1	13/02/2019	yes	yes	
15 George street	no		1		no		enquiry only
6a Bindaring pde	no		1		no		
2 senate street	yes	yes	1	30/05/2019	yes	yes	
60a first ave	yes	yes	1	23/07/2019	no		
5 park lane	yes	yes	1	18/03/2019	yes	yes	
4 Smith St	yes	yes	1	29/11/2019	yes	to be planted 2021 when building finished	
10 Smith St	yes	yes	1	12/03/2020	yes	to be planted when building finished	
33a Stirling Rd	yes		1				
2/1 Prospect Pl	yes	yes	1	24/04/2020	yes	to be planted 2021 when crossover finished	
27a Mengler Ave	yes	yes	1		yes	to be planted 2020	
1 Caxton Road	yes	yes	1		yes	yet to be planted - street tree review	

13.1.2 HERITAGE MAINTENANCE GRANT - 51 CLAREMONT CRESCENT, SWANBOURNE**File Number:** 944, D-20-38219**Attachments:**

1. Heritage Maintenance Grant Application - 51 Claremont Crescent - Confidential
2. Building Quote - 51 Claremont Crescent - Confidential
3. Current Photographs - 51 Claremont Crescent  

Author: Eddie Marcus, Heritage Officer
David Vinicombe, Director Planning and Development**Authoriser:** Liz Ledger, Chief Executive Officer**Proposed Meeting Date:** 6 October 2020**Date Prepared:** 29 September 2020**DA No.:** NA**60/90 Days Due Date:** NA**Property Owner:** Matthew Raymond Povey & Jaspreet Kaur**Applicant:** Matthew Raymond Povey & Jaspreet Kaur**Lot No.:** 1**Area of Lot:** 400m²**Zoning:** R20

Enabling Legislation: Council Policy LV130 - Mike Balfe Heritage Maintenance Grants (LV130)

Local Planning Policy 124 – Retention of Heritage Property and Assets (LPP124)

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)

SUMMARY

On 16 September 2020, the owners of 51 Claremont Crescent, Swanbourne, a place listed on the Town's Heritage List applied for a Mike Balfe Heritage Grant, attachment one.

It is recommended that Council approve this grant application for heritage works in accordance with LPP124 – Retention of Heritage Property and Assets (LPP124) and to LV130 Mike Balfe Heritage Maintenance Grants (LV130) for the maximum amount of \$5,000.

PURPOSE

To present to Council for consideration an application from the owners of 51 Claremont Crescent, Swanbourne for a Mike Balfe Heritage Grant.

BACKGROUND

51 Claremont Crescent is entered on the Town's Heritage List for making a 'Considerable Contribution' to the Claremont Crescent Heritage Area. It is described as:

Single-storey timber framed and weatherboard clad with symmetrical frontage. The hipped roof has a separate surrounding hipped skillion verandah all clad with Zinalume and has simple square posts. The central front door is flanked by bay windows. The chimneys are painted face brick with brick corbelling.

LV 130 provides:

- Matched funding up to a maximum of \$5,000 is available for maintenance works associated with the conservation of significant heritage fabric of dwellings listed on the Town of Claremont's Heritage List.
- Funding will be accessible on an ongoing, first come first use basis from 1 July each year until the Heritage Maintenance Grant budget allocation for that financial year is exhausted.
- The recipient must, as a minimum, match the grant dollar for dollar. In-kind support will not be considered.
- Grant funding is to be capped in perpetuity to a maximum of \$10,000 for each place on the Heritage List.

As per LV 130, applications will be considered eligible if the:

1. Property is a privately owned, rateable dwelling on the Town's Heritage List.
2. Applicant is the property owner (or legally acting on behalf of the owner).

Applications will be considered ineligible if the:

1. Works are required due to a repair or works order issued by the Town of Claremont.
2. Works are required under a conservation order issued by the Minister under the *Heritage of Western Australia Act 1990*.
3. Application is for retrospective funding of a commenced or completed project.
4. Property owner or applicant has an outstanding debt to Council.
5. Works are for a place that has been the recipient of a planning concession or other concession by the Council.
6. Works are for a place that has received two heritage maintenance grants in the past five year period.

Other applications received that do not match these pre requisites will be *considered* by Council on a case by case basis, based on the relative merits of the application, the heritage value of the property concerned, and the extend of the restoration works required.

PAST RESOLUTIONS

There are no past Council resolutions relevant to this grant application.

The applicant nor the property has previously received a heritage grant.

DISCUSSION

The applicants have requested financial assistance for urgent structural works to the property such that the fabric of the place is conserved. The works are "eligible works" as per LV 130.

An inspection following the departure of tenants revealed a number of structural issues, requiring work in the short-term to conserve the heritage values of the property (attachment 3). In particular, the applicants request assistance with:

1. Replacement of weatherboards on the western aspect of the house and repairs to timber frame.
2. Replacement of gutters.
3. Works to assist in preventing damage due to dampness.

The cost, as shown by the attached quotations, is \$12,274 (attachment 2). The applicants have requested the maximum \$5,000 as a grant from Council.

In LV130, the following are essential conditions for a successful application:

1. The proposed works are compliant with the objectives of LPP124 – Retention of Heritage Property and Assets (LPP124). The works are eligible as they contribute to conservation of the heritage significance through:
 - works to external fabric (including roof structures and foundations).

- repairing or replacing deteriorated structural elements and major heritage features such as walls, columns, beams, floors, roofs and roof features and structures (e.g. chimneys).
- 2. Budget rigour and value-for-money are demonstrated through two quotations, which are consistent with the average cost for such a project.
- 3. The quotations demonstrate a need for the works.
- 4. 51 Claremont Crescent, Swanbourne, has been identified as making a considerable contribution to the Claremont Crescent Heritage Area. As such, conservation of the place will be of benefit to the place, streetscape and the Town of Claremont.

It is recommended that the maximum amount, \$5,000 be provided. This is less than 50% of the works which satisfy the terms and requirements of LV130.

FINANCIAL AND STAFF IMPLICATIONS

There is, as of September 2020, \$15,000 in the current budget for grants for this financial year.

There is \$73,056.90 in the reserve fund set up by the Town as a building fund for assisting property owners in maintaining heritage properties.

Approval of this application will reduce the funds available for the Mike Balfe Maintenance Heritage Grant applications by a total of \$5,000.

POLICY AND STATUTORY IMPLICATIONS

These applications relate to the following two Council Policies:

- Local Planning Policy 124 – Retention of Heritage Property and Assets (LPP124)
- Council Policy LV130 – Mike Balfe Heritage Maintenance Grants (LV130).

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.

- Provide clean, usable, attractive and accessible streetscapes and public spaces.
- Balance the Town's historical character with complementary, well designed development.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

URGENCY

Works are required in the short to medium term to conserve the heritage value of the property.

CONCLUSION

Based on the above, it is recommended that a Mike Balfe Heritage Maintenance Grant be awarded to the owners of 51 Claremont Crescent, Swanbourne, in the amount of \$5,000.

VOTING REQUIREMENTS

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

RESOLUTION 148/20

Moved: Cr Paul Kelly

Seconded: Cr Bruce Haynes

That Council

- 1. Approve the request from owners of 51 Claremont Crescent, Swanbourne, for a Mike Balfe Heritage Maintenance Grant to assist with remedial works at that property, and offer a grant to the value of \$5,000.**

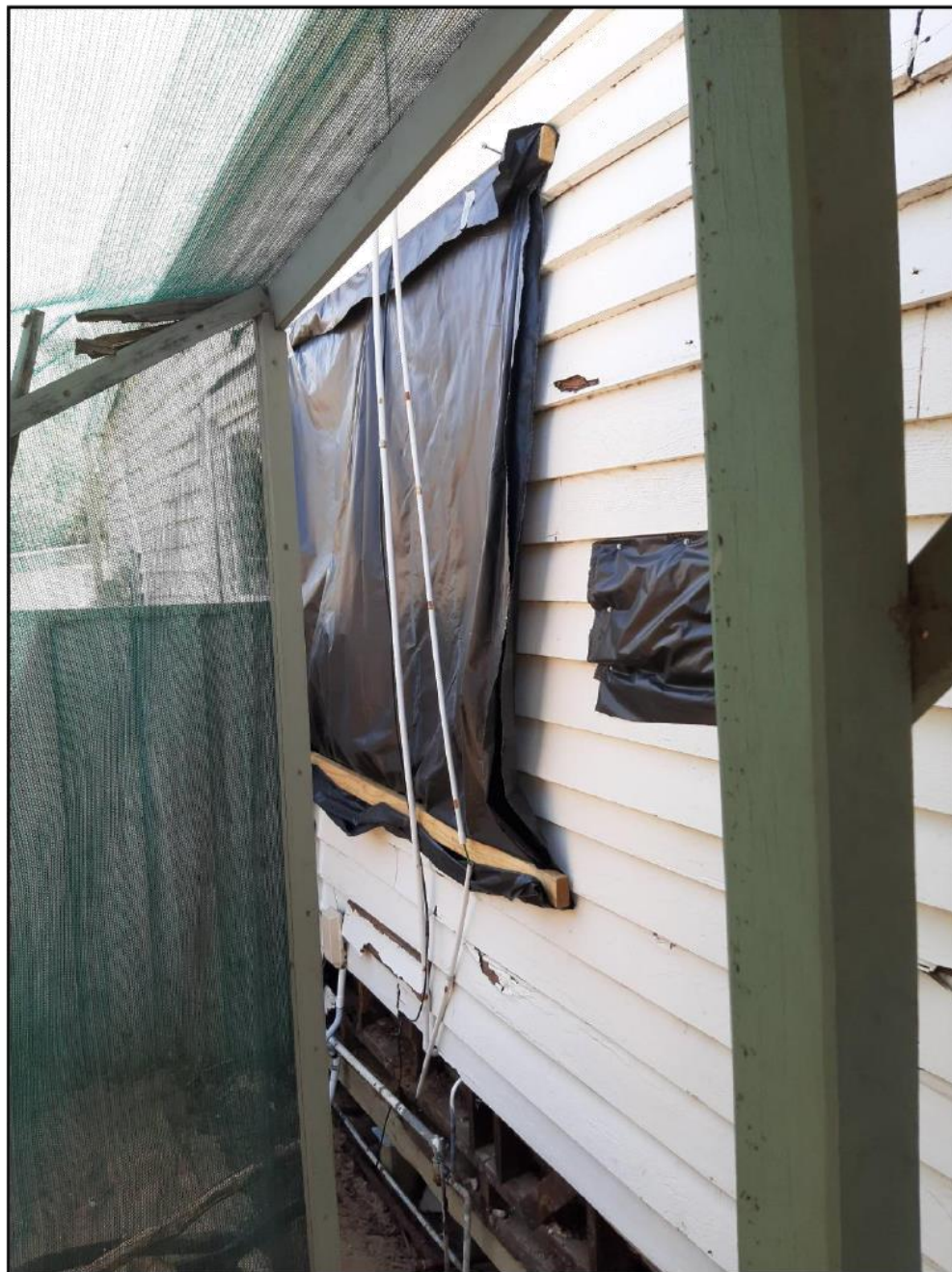
For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0

Lot 1 (51) Claremont Crescent, Swanbourne







13.1.3 HERITAGE MAINTENANCE GRANT - ST AIDAN'S, 26 PRINCESS ROAD

File Number: 2846, D-20-38220

Attachments:

1. Applicants Letter - Confidential
2. Structural Report - Confidential
3. LV130 Policy amendments with tracked changes [!\[\]\(99f58673407353e96a019fbca558fd72_img.jpg\) !\[\]\(2113e5cba4d11862fa536c379e9b61cd_img.jpg\)](#)

Author: Eddie Marcus, Heritage Officer
David Vinicombe, Director Planning and Development

Authoriser: Liz Ledger, Chief Executive Officer

Proposed Meeting Date: 6 October 2020

Date Prepared: 21 September 2020

DA No.: NA

60/90 Days Due Date: NA

Property Owner: Uniting Church Property Trust

Applicant: Uniting Church Property Trust

Lot No.: 6

Area of Lot: 400m²

Zoning: Residential R15-20

Enabling Legislation: Council Policy LV130 - Mike Balfe Heritage Maintenance Grants (LV130)

Local Planning Policy 124 – Retention of Heritage Property and Assets (LPP124)

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)

SUMMARY

A request has been lodged with the Town for a Mike Balfe Heritage Maintenance Grant to assist with structure rectification works at St Aidan's Church at 26 Princess Road.

It is recommended that Council approve this grant application for heritage works in accordance with LPP124 – Retention of Heritage Property and Assets (LPP124) and to LV130 Mike Balfe Heritage Maintenance Grants (LV130) for the maximum amount of \$5,000.

PURPOSE

To present to Council for consideration an application for a Mike Balfe Heritage Grant for St Aidan's Church.

BACKGROUND

St Aidan's Church is entered in the Town's Heritage List as a Category 1 place, 'Essential to the Heritage of the Locality', and is recognised by being entered in the State Register of Heritage Places. The Statement of Significance is:

Saint Aidan's Church & Hall is a rare surviving example of a well-designed Federation Gothic style church and hall constructed for the Presbyterian worshipping tradition. The hall is a fine example of the work of Architect James Hine.

LV130 currently provides for:

- Matched funding between \$1,000 and \$5,000 is available for maintenance works associated with the conservation of significant heritage fabric of dwellings listed on the Town of Claremont's Heritage List.
- Funding will be accessible on an ongoing, first come first use basis from 1 July each year until the Heritage Maintenance Grant budget allocation for that financial year is exhausted.
- The recipient must, as a minimum, match the grant dollar for dollar. In-kind support will not be considered
- Grant funding is to be capped in perpetuity to a maximum of \$10,000 for each place on the Heritage List.

As per LV 130, applications will be considered eligible if the:

1. Property is a privately owned, rateable dwelling on the Town's Heritage List.
2. Applicant is the property owner (or legally acting on behalf of the owner).

Applications will be considered ineligible if the:

1. Works are required due to a repair or works order issued by the Town of Claremont.
2. Works are required under a conservation order issued by the Minister under the *Heritage of Western Australia Act 1990*.
3. Application is for retrospective funding of a commenced or completed project.
4. Property owner or applicant has an outstanding debt to Council.
5. Works are for a place that has been the recipient of a planning concession or other concession by the Council.
6. Works are for a place that has received two heritage maintenance grants in the past five year period.

PAST RESOLUTIONS

There are no past Council resolutions relevant to this application.

The Church has not previously received a heritage grant.

DISCUSSION

The applicant, the trustee of St Aidan's Church, Claremont has requested financial assistance for urgent structural works to their heritage-listed property such that the fabric of the place is conserved.

The report by the structural engineer (attachment 1) indicates that there are risks to the building and public safety if a number of identified structural integrity issues are not resolved in the near future. These issues include:

1. *The poorly compacted sand discovered during the geotechnical investigation has been causing differential settlement of the footings and the leaning and cracking of the walls observed. Underpinning of the walls by the use of grout injection will be required to densify these soils and prevent future damage to the walls.*
2. *Dampness in the walls has been causing degradation of the stone and the lime mortar bedding. Linked to this are the inappropriate repairs to the external pointing using cement mortar and the use of the cement render on the lower part of the internal walls. Removal of the cement render and pointing is required, with repointing to make good.*
3. *Missing lateral ties to hold the top of the walls, whether as a result of poor construction methods or wall removal during the construction of extensions. New structural ties will be required to be designed and installed to connect the roof and wall structure to stabilise the building.*

The estimated costs (as provided by the structural engineer) for these works is \$289,277.45 (incl. GST). A representative of the Church has advised that the congregation does not currently have the capital to complete the works and that they are seeking financial assistance from a number of people/organisations, including the Town of Claremont.

It should be noted that the relevant Council Policy, LV130 - Mike Balfe Heritage Maintenance Grants (LV130), states that applications are eligible if the property is a privately owned, rateable dwelling on the Town's Heritage List.

St Aidan's Church is not a rateable dwelling, but the urgency of the works to conserve a major heritage asset in the Town of Claremont is evident and it is recommended that Council consider this as an exceptional case.

In LV130, the following are essential conditions for a successful application:

1. The proposed works are fully compliant with the objectives of LPP124 – Retention of Heritage Property and Assets (LPP124)
2. It is proposed to have full architectural design specifications developed by an experienced heritage architect, which will be equivalent to undertaking works consistent with a Conservation Management Plan.
3. At this stage, the project design and achievability, budget rigour and value-for-money can only be determined by the report of the structural engineer, although the estimated costs are consistent with similar projects elsewhere in Western Australia.
4. The congregation at St Aidan's has a demonstrated need for assistance since they cannot raise the entire funds, but will require donations and grants where these are available.
5. St Aidan's Church is one of the most significant Heritage Places in Claremont, and is entered in the State Register of Heritage Places.
6. The report from the structural engineer demonstrates a need for urgent works.
7. The Church is unlikely to receive a grant from the State Heritage Office, having been a previous recipient for works several years ago.
8. Uniting Church Policies do not allow them to approach Lotterywest, since they cannot fund the repairs from finances derived from gambling.
9. Conservation of the Church is essential for an overall benefit to the place, the streetscape, and the Town of Claremont in general.

In the circumstances applicable to this application and given the significance of the St Aiden's Church to the cultural heritage of the Town, it is recommended that Council amend LV130 to allow a grant of \$10,000 to be applied to a non-residential Church owned and non-rateable heritage place, and subsequently that LV130 Policy be amended by Council to include the following (as detailed in the Attachment 3) underlined references:

Policy

Matched funding of up to \$10,000 is available for maintenance works associated with the conservation of significant heritage fabric of dwellings listed on the Town of Claremont's Heritage List.

Eligibility

Applications will be considered eligible if the:

- Property is a privately owned, rateable dwelling on the Town's Heritage List.
- Applicant is the property owner (or legally acting on behalf of the owner).
- Other applications received that do not meet these pre requisites will be *considered* by Council on a case by case basis, based on the relative merits of the application, the heritage value of the property concerned, and the extent of restoration works required.

In addition to the above, it is noted that St Aiden's Church is one of the most significant heritage places in the Town and accordingly in varying LV130 (as detailed above) it is recommended that the maximum \$10,000 support be provided, which is substantially less than 50% of the works which fully satisfy the terms and requirements of the amended LV130, with the exception that the property is

not a privately-owned, rateable dwelling (noting that the amended policy allows for these variations to be applied).

FINANCIAL AND STAFF IMPLICATIONS

There is, as of September 2020, \$15,000 in the current budget for grants for this financial year.

There is \$73,056.90 in the reserve fund set up by the Town as a building fund for assisting property owners in maintaining heritage properties.

Approval of this application will reduce the funds available for the Mike Balfe Maintenance Heritage Grant applications by a total of \$5,000.

POLICY AND STATUTORY IMPLICATIONS

These applications relate to the following two Council Policies:

- Local Planning Policy 124 – Retention of Heritage Property and Assets (LPP124)
- Council Policy LV130 – Mike Balfe Heritage Maintenance Grants (LV130).

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.

- Provide clean, usable, attractive and accessible streetscapes and public spaces.
- Balance the Town's historical character with complementary, well designed development.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

URGENCY

The congregation at the Church is currently unable to use the premises on advice from the structural engineer. There is a small risk of the building being a danger to passer-by's on the street.

CONCLUSION

Based on the above, it is recommended that a Mike Balfe Heritage Maintenance Grant be awarded to the trustees of St Aidan's Church, Claremont for \$5,000.

VOTING REQUIREMENTS

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

MOTION

Moved: Cr Bruce Haynes

Seconded: Cr Kate Main

The Council

1. **Amend Council Policy LV130 – Mike Balfe Heritage Maintenance Grant as per Attachment 3 to this report.**
2. **Approve the request from the trustees of St Aidan's Church, Claremont, for a Mike Balfe Heritage Maintenance Grant to assist with essential remedial heritage works for the Church, and offer a grant to the value of \$10,000 for these works.**

RESOLUTION 149/20

PROCEDURAL MOTION

Moved: Cr Paul Kelly

Seconded: Cr Peter Edwards

That the Item be referred back to the Administration for further consideration.

For: Cr Jill Goetze, Cr Sara Franklyn, Cr Peter Edwards, Cr Paul Kelly, Cr Annette Suann

Against: Mayor Jock Barker, Cr Peter Browne OAM, JP, Cr Bruce Haynes, Cr Kate Main, Cr Peter Telford

EQUAL

In accordance with s.5.21(3) of the *Local Government Act 1995*, as the vote was tied, Mayor Jock Barker cast his second vote FOR the motion.

CARRIED 6/5

LV130 – MIKE BALFE HERITAGE MAINTENANCE GRANTS

	LV130: Mike Balfe Heritage Maintenance Grants
Key Focus Area: Liveability	Responsibility: Director Planning and Development Relevant Council Delegation: DA22 – Determination of Planning Related Matters

Purpose

To support owners of dwellings on the Town of Claremont's Heritage List to maintain their heritage listed properties such that significant heritage fabric is conserved.

Policy

Matched funding ~~between \$1,000 and \$5,000~~ of up to \$10,000 is available for maintenance works associated with the conservation of significant heritage fabric of dwellings listed on the Town of Claremont's Heritage List.

As the policy is an administrative policy, it is not adopted as a Local Planning Policy under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Funding

Funding will be accessible on an ongoing, first come first use basis from 1 July each year until the Heritage Maintenance Grant budget allocation for that financial year is exhausted.

The recipient must, as a minimum, match the grant dollar for dollar. In-kind support will not be considered.

Grant funding is to be capped in perpetuity to a maximum of \$10,000 for each place on the Heritage List.

Amount of Grant

The amount available for Heritage Maintenance Grant purposes is to be determined by Council in the adoption of the annual budget.

Any amount not allocated in a financial year will be placed into reserved funds for expenditure in future years.

Eligibility

Applications will be considered eligible if the:

- Property is a privately owned, rateable dwelling on the Town's Heritage List.
- Applicant is the property owner (or legally acting on behalf of the owner).
- Other applications received that do not meet these pre requisites will be considered by Council on a case by case basis, based on the relative merits of the application, the heritage value of the property concerned, and the extent of restoration works required.

Applications will be considered ineligible if the:

- Works are required due to a repair or works order issued by the Town of Claremont.
- Works are required under a conservation order issued by the Minister under the *Heritage of Western Australia Act 1990*.
- Application is for retrospective funding of a commenced or completed project.
- Property owner or applicant has an outstanding debt to Council.
- Works are for a place that has been the recipient of a planning concession or other concession by the Council.
- Works are for a place that has received two heritage maintenance grants in the past five year period.

Eligible Works

In addition to the Eligible Application requirements above, the following works may be considered eligible for the Heritage Grant where they contribute to the conservation of the heritage significance of a place:

- Works to external fabric (including roof structures and foundations).
- Repairs to foundations, footings and supporting structures of a building.
- Repairing or replacing deteriorated structural elements and major heritage features such as walls, columns, beams, floors, roofs and roof features and structures (e.g. chimneys) and veranda or balcony structures.
- Painting - where it will assist with the conservation of fabric – e.g. where paint has deteriorated (funding will not be provided to merely change colour).
- Reinstatement of missing or damaged heritage fabric where it will assist with preventing ingress of water – e.g. replacing broken window panes, tiles, roof plumbing.
- Works to assist in preventing damage due to dampness.
- Works to stabilise subsoil moisture content to reduce cracking of masonry foundations or walls.

- Cleaning of any fabric where removal of accretions or coatings will assist in the conservation of heritage fabric – e.g. removal of a non-porous coating on limestone.

Ineligible Works

In addition to the Ineligible Application requirements above, the following works are not considered eligible for the Heritage Grant:

- Works to interiors.
- New additions or extensions.
- General minor repairs - e.g. replacement of functional door and window furniture.
- Painting where it is not required for conservation purposes.
- Cleaning of gutters.
- Cleaning of any kind, other than that proven to improve conservation outcomes.
- General garden maintenance and landscaping.

Assessment Criteria

Essential Criteria

- Compliance with the objectives of Local Planning Policy 124 - Retention of Heritage Property and Assets.
- Compliance with the purpose of the Heritage Maintenance Grant Policy.
- Compliance with a Conservation Management Plan (where applicable).
- Project design and achievability, budget rigour and value-for-money.
- Demonstrated need for assistance.
- Significance of the place.
- Demonstrated need for work.
- Other funding received or sought.
- Overall benefit to the place or streetscape.

Desirable Criteria

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

Application Process

Applications that meet the assessment criteria are not guaranteed a grant. Applications will be determined by Council and applicants will be advised in writing of the decision.

Applications and supporting documents will be assessed on their merit against the assessment criteria.

Where there is competition for funds, applications will be rated and ranked in relation to other applications being considered in the same round.

The Council may prioritise or place greater weight on any of the assessment criteria.

Development Approval

The applicant must obtain all necessary Development Approvals and Building Permits from the Town of Claremont before applying for funding, or as a condition of receiving the Grant.

Payment Terms

Grant money will be provided as reimbursement for spending following approval of a Heritage Maintenance Grant application by the Town of Claremont (not in advance).

In order to receive the Grant, all successful applicants must sign a Letter of Agreement that clearly details the approved expenditure items that are covered by the Grant and agree to the following conditions:

- All Grant funding must be spent within the six months following the date of the Grant approval.
- Provide proof that the Grant money was spent on approved items.
- Provide proof through invoices and receipts that the Grant money was spent after the Grant application was approved (not before).
- Provide photographs of the project undertaken using Grant funding, along with a short testimonial that may be used for promotional purposes for the Town.

Reimbursement Process

To claim reimbursement of approved spending applicants must:

- Complete and submit a claim form (to be provided).
- Attach to the claim form proof of purchase documents for approved items (invoices and receipts).
- Provide photographs of completed project and a short testimonial on the grants program.

Definitions

- Fabric: all the physical material of the place including elements, fixtures, contents and objects.
- Heritage Place: a building, structure, site, area of land or other physical element valued for its heritage significance, together with associated contents and surrounds.

- **Cultural Heritage Significance:** the relative heritage value of a place in terms of its aesthetic, historic, scientific or social significance for the present community and future generations.
- **Significant Heritage Fabric:** the fabric of a place that is valued for the contribution it makes to the overall cultural heritage significance of the place.
- **Conservation:** the management of a place in a manner that will enable its cultural heritage significance to be retained, and yield the greatest sustainable benefit for the present community, without diminishing the heritage significance of that place. It includes the preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of a place.
- **Maintenance:** the continuous protective care of a place. For the purposes of this policy this will also include repair works where they contribute to the conservation of the heritage significance of a place.
- **Conservation Management Plan** - the principal guiding document for the conservation and management of a heritage place.

Other Relevant Policies and Documents

Local Planning Policy 124 - Retention of Heritage Property and Assets

Work Procedures

NIL

Policy Adoption and Amendment History

Reviewed/Modified	Minutes Reference	Date	Meeting Type
Adopted	49/16	05/04/2016	Ordinary Council Meeting
Modified	206/16	13/12/2016	Ordinary Council Meeting
Modified	228/18	18/12/2018	Ordinary Council Meeting





13.2 LEADERSHIP AND GOVERNANCE

13.2.1 DA 37, DOG ACT 1976

File Number: LAW/00104, D-20-37189

Author: Brett Williamson, Coordinator Governance and Risk
Bree Websdale, Acting CEO

Authoriser: Bree Websdale, Acting CEO

Attachments: 1. DA37 Dog Act - Clean Version  
2. DA37 Dog Act - Tracked Version  

PURPOSE

For Council to consideration amendments to DA 37, *Dog Act* 1976 to delegate to the CEO:

1. Authority to discount or waive a registration fee [s15(4A)].
2. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s17].
3. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19]

For Council to consideration amendments to DA 37, *Dog Act* 1976 to sub-delegate to Manager Community Safety, Customer Service Officers, Records Officers and Community Safety Officers:

1. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17].
2. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].

BACKGROUND

Section 5.42 of the *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer the exercise of some of its powers or the discharge of any of its duties under the Act, with the exception of limitations as listed under section 5.43 of the Act, none of which apply.

Section 5.44 of the Act allows for the CEO to delegate any of her powers to another employee and this must be done in writing. The Act allows for the CEO to place conditions on any delegations.

Pursuant to section 5.46 of the *Local Government Act 1995* and Regulation 19 of the *Local Government (Administration) Regulations 1996* and s10AB of the *Dog Act* 1976, the CEO is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

DISCUSSION

Under the *Dog Act* 1976 (s.7) and the Dogs Local Law residents keeping dogs within the Town are required to register their dogs with the Town.

The Town must keep an accurate and up to date register of dogs (s.14).

It is efficient and time effective for Customer Service Officers, Records Officers and Community Safety Officers to process the applications on behalf of the Town.

Sub-delegation to Director Governance and People, Manager Community Safety, Customer Service Officers, Records Officers and Community Safety Officers only applies to:

1. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s17].
2. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].

Usual regulatory and corporate governance controls such as maintenance of registers recording excising of delegated authority will be maintained as required under s5.46 of the *Local Government Act* and Regulation 19 of the *Local Government (Administration) Regulations* 1996. Approved delegates will also receive written notice of their authority.

Attachment 1 is a clean version of DA37, *Dog Act* 1976.

Attachment 2 is a track changed version of the proposed DA 37, *Dog Act* 1976.

There is no change proposed in relation to the existing delegated authority over the numbers of dogs or the conditions requiring Council determination on exercise of that delegated authority.

PAST RESOLUTIONS

Ordinary Council Meeting 16 June 2019.

Resolution 080/20

That Council adopt the Delegated Authority Register, as presented in Attachment 2.

CARRIED BY AN ABSOLUTE MAJORITY

FINANCIAL AND STAFF IMPLICATIONS

The review of this delegation was conducted by the governance directorate in consultation with internal stakeholders.

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1995, s.5.42, 5.43, 5.44 and 5.46 (2)

Regulation 19 of the *Local Government (Administration) Regulations* 1996

Dog Act 1976, s 10AA, 15, 16, 17, 19 and 26

COMMUNICATION / CONSULTATION

No community consultation is required.

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.
- Provide the best possible customer experience throughout every interaction we have with our customers.
- Continually assess our performance and implement initiatives that drive continuous improvement.

URGENCY

No urgency.

VOTING REQUIREMENTS

Absolute Majority decision of Council (*6 elected members are required to vote in favour*).

RESOLUTION 150/20

Moved: Cr Jill Goetze

Seconded: Cr Sara Franklyn

That Council:

- 1. Adopt the Delegated Authority DA 37 Dog Act 1976, as presented in attachment 1.**

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 10/0

DELEGATED AUTHORITY REGISTER

**DA37****Dog Act 1976**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976</i> s.15 (4A) Power to discount or waive a registration fee for any individual dog or any class of dogs within its district. s.16 Registration procedure. s.17 Refusal or cancellation of registration. s.19 Refund of registration fees on cancellation. s.26 Limitation as to numbers.
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to discount or waive a registration fee [s.15(4A)]. 2. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17]. 3. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19] 4. Authority to grant an exemption from the limitations as to the number of Dogs [s.26].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Compliance with Town of Claremont Dogs Local Law 2012. 2. Compliance with cl.3.2 – Limitation on number of dogs - Town of Claremont Dogs Local Law 2012. Elected Members are to be notified of all applications for determination and be given 72 hours in which to comment. Any one Elected member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA 37.
Express Power to Sub-Delegate:	<i>Dog Act 1976</i>

DELEGATED AUTHORITY REGISTER



	s.10AA(3)
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People Manager Community Safety Customer Service Officers Records Officers Community Safety Officers
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Sub-delegation to Director Governance and People, Manager Community Safety, Customer Service Officers, Records Officers and Community Safety Officers only applies to: <ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17]. 2. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation (replaces DA 13 & DA29)
2	OCM 16/06/2020 – Annual Review – Amended
3	OCM 29/09/2020 – Amended

DELEGATED AUTHORITY REGISTER

**DA37****Dog Act 1976**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976</i> <u>s.15 (4A) Power to discount or waive a registration fee for any individual dog or any class of dogs within its district.</u> <u>s.16 Registration procedure.</u> <u>s.17 Refusal or cancellation of registration.</u> <u>s.19 Refund of registration fees on cancellation.</u> s.26 Limitation as to numbers.
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. <u>Authority to discount or waive a registration fee [s.15(4A)].</u> 2. <u>Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17].</u> 3. <u>Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19]</u> 4.4. Council delegates to the Chief Executive Officer <u>Authority to grant an exemption from the limitations as to the number of Dogs [s.26].</u>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. <u>Compliance with Town of Claremont Dogs Local Law 2012.</u> 4.2 <u>Compliance with cl.3.2 – Limitation on number of dogs - Town of Claremont Dogs Local Law 2012. Elected Members are to be notified of all applications for determination and be given 72 hours in which to comment. Any one Elected member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA 37.</u>

DELEGATED AUTHORITY REGISTER



Express Power to Sub-Delegate:	<i>Dog Act 1976</i> s.10AA(3)

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People Manager Community Safety Customer Service Officers Records Officers Community Safety Officers
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions. Sub-delegation to Director Governance and People, Manager Community Safety, Customer Service Officers, Records Officers and Community Safety Officers only applies to: 1. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17]. 4-2. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation (replaces DA 13 & DA29)
2	OCM 16/06/2020 – Annual Review – Amended
3	OCM 29/09/2020 – Amended

13.2.2 ORDINARY COUNCIL MEETING DATES FOR 2021**File Number:** GOV/00026, D-20-35363**Author:** Bree Websdale, Director Governance and People**Authoriser:** Liz Ledger, Chief Executive Officer**Attachments:** 1. Ordinary Council Meeting Dates 2021 [↓](#) 

PURPOSE

To set the Ordinary Council Meeting dates for the 2021 calendar year.

BACKGROUND

The *Local Government (Administration) Regulations 1996* Regulation 12 requires Council to give public notice of the dates, time and place of its Ordinary Council Meetings for the next 12 months at least once annually.

Since 2004, Ordinary Council Meetings have been held on the first and third Tuesday of each month (except January) commencing at 7:00pm in the Council Chambers.

DISCUSSION

In continuing this current practice, the proposed meeting dates would be held twice monthly on the first and third Tuesdays of each month, except during January, November and December.

The meeting location will remain at the Town of Claremont Council Chambers, Level 1 of the Town's administration building at 308 Stirling Highway, Claremont with all meetings commencing at 7:00pm.

Where meetings fall immediately after a public holiday it is proposed that an Agenda Briefing Forum will be held prior to the Ordinary Council Meeting at 5:30pm.

The 2021 calendar has one instance where this will occur:

Public Holiday	Agenda Briefing Forum	Ordinary Council Meeting
Monday 1 March 2021	Tuesday 2 March 2021 5:30pm	Tuesday 2 March 2021 7:00pm

PAST RESOLUTIONS**Ordinary Council Meeting 2 October 2018, Resolution 184/18:**

That Council approves the Ordinary Council Meeting dates, time and location for the 2019 calendar year, as described in Attachment 1.

CARRIED

Ordinary Council Meeting 1 October 2019, Resolution 136/19

That Council approves the Ordinary Council Meeting dates, time and location for the 2020 calendar year, as described in Attachment 1.

CARRIED

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1995

s5.25(1)(g) – Regulations about Council and Committee meetings and Committees.

Local Government (Administration) Regulations 1996

Regulation 12 – Public notice of Council or Committee meetings.

At least once each year a local government is to give local public notice of the time and place at which:

- a) the Ordinary Council Meetings, and
- b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

COMMUNICATION / CONSULTATION

Ordinary Council Meeting dates for 2021 will be published in accordance with s 1.7 (Local Public Notice) of the *Local Government Act 1995*.

STRATEGIC COMMUNITY PLAN

Leadership and Governance

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

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Demonstrate a high standard of governance, accountability, management and strategic planning.
- Provide the best possible customer experience throughout every interaction we have with our customers.

URGENCY

As the previous notice of meeting dates covers the period to the end of the 2020 calendar year, the meeting dates for the next period will need to be determined and advertised prior to commencement of the 2021 calendar year.

VOTING REQUIREMENTS

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

RESOLUTION 151/20

Moved: Cr Peter Telford

Seconded: Cr Kate Main

That Council:

- 1. Approves the Ordinary Council Meeting dates, time and location for the 2021 calendar year, as described in Attachment 1.**

For: Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Bruce Haynes, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

Against: Nil

CARRIED 10/0



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING DATES 2021

Ordinary Council Meetings are held at 7:00pm on the first and third Tuesday of each month (unless otherwise notified) at the Town of Claremont Council Chambers – Level 1, 308 Stirling Highway, Claremont.

Members of the public and press are welcome to attend all Council meetings.

The dates for the 2021 Ordinary Council Meetings for the Town of Claremont are as follows:

January	No Meeting	July	6
	No Meeting		20
February	2	August	3
	16		17
March	2	September	7
	16		21
April	6	October	5
	20		19
May	4	November	2
	18		16
June	1	December	30
	15		14

Liz Ledger
Chief Executive Officer

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Kelly reported his attendance at the WALGA convention and Annual General Meeting.

Cr Suann advised she attended along with Cr Goetze and Cr Main, a landscape design meeting for the Freshwater Bay Muesum to discuss the design concepts for the redevelopment.

Cr Goetze reported her attendance at both the Shine and Freshwater Bay Primary School board meetings.

Cr Main advised she attended, along with Cr Haynes a DAP meeting about the Oryx day care centre.

Cr Haynes shared that he attended the Friends of Lake Claremont night chat community night and the recent WMRC meeting.

Cr Franklyn reported her attendance at the WMRC meeting along with Cr Haynes.

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

Nil

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

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

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 20 October 2020 at 7.00pm.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7.36pm.

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CHAIRPERSON