



MINUTES

Ordinary Council Meeting Tuesday, 1 October 2019

Date: Tuesday, 1 October 2019

Time: 7:00pm

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

**Liz Ledger
Chief Executive Officer**

DISCLAIMER

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

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**MINUTES OF TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
HELD AT THE TOWN OF CLAREMONT, CLAREMONT COUNCIL CHAMBERS, 308 STIRLING
HIGHWAY, CLAREMONT
ON TUESDAY, 1 OCTOBER 2019 AT 7:00PM**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

Mayor Jock Barker (Mayor)
Cr Peter Browne OAM, JP (Deputy Mayor)
Cr Peter Edwards
Cr Sara Franklyn
Cr Jill Goetze
Cr Bruce Haynes
Cr Paul Kelly
Cr Chris Mews
Cr Alastair Tulloch

IN ATTENDANCE:

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

Seven members of the Public

Two members of the Press

APOLOGIES:

Cr Kate Main

LEAVE OF ABSENCE:

Nil

3 DISCLOSURE OF INTERESTS

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE AT ORDINARY COUNCIL MEETING HELD 17 SEPTEMBER 2019

File Number: GOV/00060-02, D-19-33324

Attachments: Nil

Ms Cathy Greatrex, on behalf of Mr Tim Humphry, 68a Victoria Avenue, Claremont.

Re: Item 4.1, Response to Questions taken on Notice at Ordinary Council Meeting held 3 September 2019 - Freshwater Bay Museum Project.

Question 1. I refer to the submission to Parliament proposal by the Town of Claremont dated 29th of November 2018, where it proposed “to excise a 3398 square metre portion of Class A Reserve 885 for inclusion into a new Crown Reserve for the purpose of ‘Recreation, Museum, Cultural, Community Centre, Carpark and Café. Reserve 885 is Mrs Herbert’s Park of area 7735 square metres. After excise of the 3398 square metres, the remaining Mrs Herbert’s Park Class A Reserve (now called lot 301) is 4375 square metres, a reduction of 43.5% of the size of Mrs Herbert’s Park. Is this not a major redevelopment of Mrs Herbert’s Park? If not, is a major reduction of Mrs Herbert’s Park?

Answer 1. The variation to the boundary of Reserve 885 and inclusion of this land into reserve 5659 does not comprise a reduction in the area of Mrs Herbert’s Park. Mrs Herbert’s Park comprises both reserves 885 and 5659 and the adjustment to the respective boundaries of the two reserves does not alter the gross area of what is known as Mrs Herbert’s Park.

It is accurate to suggest that the area of one reserve has been decreased and the other adjacent reserve increased by the same area. In a practical sense what has actually changed is the purposes for which the vested reserve (5659) may be used, however the zoning of the property has not been altered, it remains zoned Local Reserves – Recreation in accordance with the Local Planning Scheme.

As such this does not constitute a major redevelopment as it is a boundary adjustment between two adjacent reserves, used contiguously as a single open space area.

Question 2. Will Council undertake to provide a full, open and broad consultation of the Museum redevelopment and changes to Mrs Herbert’s Park before making final decisions on the development?

Answer 2. The Council most recently resolved to establish a Project Steering Group, to review the Freshwater Bay Museum Redevelopment project. It is unclear at this stage what will arise from the review, however the process of community engagement in respect to matters presented to the Council, will be considered at that time.

This will no doubt include the both type and extent of consultation proposed or intended.

Question 3. Should not stakeholders’ view have been presented to Parliament when considered the Town of Claremont’s proposal to excise sign vacant and from Mrs Herbert’s park for the purpose of museum redevelopment?

Answer 3. As the variation to the boundaries of the respective reserves was undertaken by the Department of Lands via recommendation to the two houses of Parliament, the Town had no means by which it could present stakeholder views.

The consultation process undertaken by the Department of Lands is intended to generate comments from the community, independent of the Town’s application, that way the Department (and ultimately

the Parliament) can facilitate and consider community comments, independent of the Town, who submitted the application, and therefore clearly have a desire to see the application approved.

Question 4. Did or will the Council conduct appropriate Indigenous consultation?

Answer 4. As previously advised, the proposed redevelopment of the Freshwater Bay Museum has been subject to assessment in accordance with Section 18 of the Aboriginal Heritage Act.

This applications was considered by the Department of Lands who determined that no approvals of the Aboriginal Heritage Act 1972 were required.

Other Indigenous specific consultation can of course be undertaken, however similar to the extent and type of public consultation, the extent to which this might be undertaken will need to be determined by the Council once the review of the project has been completed by the Project Steering Group and the matter represented to Council for further consideration.

Question 5. The Submission to Parliament Proposal by the Town of Claremont dated 29th of November 2018 proposed to excise a 3398 portion of Class A Reserve 885 for inclusion into a new Crown Reserve for the purpose of 'Recreation, Museum, Cultural, Community Centre, Carpark and Café'. Does the Council agree or deny that land has been excised from Reserve 885 which was Mrs Herbert's Park?

Answer 5. Mrs Herbert's Park is comprised of both reserves, 885 and 5659, so varying the boundaries of either reserve does not vary the area of Mrs Herbert's Park, it does however vary the area of the A Class reserve, 885.

This was requested to accommodate already existing developments at the Park, which were part of the broader Museum precinct.

The need to vary the boundaries of the reserves to recognise where buildings had been constructed was clearly evident, otherwise the Council might have needed to perhaps go so far as to consider the future of these buildings

This was clearly not an ideal outcome, hence the application to vary the reserve boundaries was made. The decision as to the extent of the boundary variations was a process undertaken by the Department of Lands, ultimately referred to the houses of Parliament, for approval.

There is absolutely no denial that land was excised from Reserve 885, as this is clearly evident.

5 PUBLIC QUESTION TIME

Nil

6 PUBLIC STATEMENT TIME**Ms Anna Doherty, 14 Brassey Street, Swanbourne.****Re: Item 13.1.2, Heritage Maintenance Grants - 14 Brassey Street & 13 Albert Street.**

Ms Doherty spoke in favour of the officer recommendation.

Mr David Free, 8 Freshwater Parade, Claremont.**Re: Item 13.1.1, Lots 1,3 and 66 - 1-5 Bay View Terrace, Claremont - Refurbishment of Claremont Hotel.**

Mr Free spoke on some concerns regarding the proposed development application.

Ms Sharon Goodchild, 6 Bay View Terrace, Claremont.**Re: Item 13.1.1, Lots 1,3 and 66 - 1-5 Bay View Terrace, Claremont - Refurbishment of Claremont Hotel.**

Ms Goodchild spoke on some concerns regarding the proposed development application.

Mr Barry Jones, 63 Hobbs Avenue, Dalkeith.**Re: Item 13.1.1, Lots 1,3 and 66 - 1-5 Bay View Terrace, Claremont - Refurbishment of Claremont Hotel.**

Mr Jones spoke in favour of the officer recommendation.

7 APPLICATIONS FOR LEAVE OF ABSENCE**APPLICATION FOR LEAVE OF ABSENCE****RESOLUTION 131/19****Moved: Cr Sara Franklyn****Seconded: Cr Peter Edwards****That Cr Cr Mews be granted Leave of Absence for Ordinary Council Meeting 15 October 2019.****CARRIED****8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RESOLUTION 132/19****Moved: Cr Peter Browne OAM, JP****Seconded: Cr Paul Kelly****That the minutes of the Ordinary Meeting of Council held on 17 September 2019 be confirmed.****CARRIED**

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

Nil

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil

12 REPORTS OF COMMITTEES

Nil

13 REPORTS OF THE CEO**13.1 LIVEABILITY****13.1.1 LOTS 1,3 AND 66 - 1-5 BAY VIEW TERRACE, CLAREMONT - REFURBISHMENT OF CLAREMONT HOTEL**

File Number: 02PEA/18/0411, D-19-29757

Attachments:

1. Location and Submission Map 
2. Photographs 
3. Planning Report 
4. Heritage Impact Statement 
5. Stair Study 
6. Applicant Response to Submissions 
7. Table of Submissions 
8. Gugerri Street Reinstatement 
9. Plans - Confidential
10. Submissions - Confidential

Author: Lisa Previti, Manager Planning and Building
David Vinicombe, Director Planning and Development

Authoriser: Liz Ledger, Chief Executive Officer

Proposed Meeting Date: 1 October 2019

Date Prepared: 1 August 2019

DA No.: DA2018.00178

60/90 Days Due Date: 18 March 2019

Property Owner: Gretna Nominees Pty Ltd

Applicant: Gretna Nominees Pty Ltd and Urbis Pty Ltd

Lot No.: 1, 3 and 66

Area of Lot: 1,658m²

Zoning: Town Centre

Enabling Legislation: *Planning and Development Act 2005 (PD Act)*
Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)
Local Planning Scheme No. 3 (LPS3)
Local Planning Policy 124 – Retention of Heritage Property and Assets (LPP 124)
Local Planning Policy 205 – Public Parking (LPP 205)
Local Planning Policy 127 - Bicycle Parking and Facilities (LPP 127)

SUMMARY

- Application for Development Approval is received for the refurbishment of the Claremont Hotel. The premises is currently approved as 'Tavern', 'Restaurant' and 'Shop-Intermediate' uses under the Town's Local Planning Scheme No. 3 (LPS3) and is intended to continue operating as a 'Tavern' use.

- It is proposed to remove the existing bottle shop to create a new northern courtyard, modify both the internal and external elements of the building and extend the rear portions of both the ground and first floor.
- The site is located within a Category B Heritage Precinct and deemed to be of “considerable significance” (Heritage Place no 03391 on the State Register).
- The proposal is considered with respect to conserving the heritage values of the place and precinct in accordance with the advice of the Town’s Heritage Officer and also in consideration of deemed provision 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) which seeks to achieve and improved heritage conservation outcome for both the place and the Heritage Precinct.
- 37 neighbours were consulted and eight submissions were received; three of which were objection, one in support and four in support with noted concerns.
- The following concerns were raised in the submissions:
 - Impact of noise
 - Impact on security
 - Proliferation of similar venues in the area
 - Negative impact on property values
 - Negative impact on the heritage values of the site (in particular the existing stair case)
 - Disruption to surrounding businesses during development
 - Hours of operation.

These matters are addressed in detail in the report, however it is noted here that in most instances, they are matters which can be appropriately addressed by Development Approval conditions.

- The proposal seeks a considerable variation to the car parking requirements which apply to the property under LPS3 and Local Planning Policy 205 – Public Parking (LPP 205).
- The parking discretion is sought through Council’s consideration of the significant improvement in the heritage outcomes for both the place and the Heritage Precinct under deemed provision 12 of the LPS Regs. While Council may consider application of considerable parking concessions through deemed provision 12, concern is raised that the application of full discretion will create an undesirable precedent for the assessment of future developments in the Town Centre and reduce the capacity of Council to accommodate future parking requirements for the Town Centre in an Activity Centre Plan environment.
- Application is recommended for approval, subject to relevant conditions.

PURPOSE

The application proposes the refurbishment of the Claremont Hotel including the removal of the existing bottle shop to create a new northern courtyard, modification of both the internal and external elements of the building and extending the rear portions of both the ground and first floor.

The application requires the Council’s determination due to the commercial nature of the proposal and significance of the site.

BACKGROUND

The Claremont Hotel is a key site of “considerable significance” to the Town of Claremont, serving as an integral part of a Category B Heritage Precinct. It is noted that the Hotel has undergone a number of renovations since its original construction, with modifications to both the internal and external building fabric.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
18 December 2018	Development Application received by Council.
19 December 2018	Application undergoes internal DCU assessment.
1 February 2019	Advertising commenced.
12 February 2019	Updated heritage report submitted
19 February 2019	Advertising closed.
6 March 2019	Applicant response to submissions.
5 April 2019	Further information supplied by applicant.
1 April 2019	Council Briefing.
February 2019 – July 2019	Negotiation between applicant and officers on parking assessment options.
20 August 2019	Council report withdrawn by applicant.
5 September 2019	Revised report prepared for Council.

It is noted that a report to determine this application was to be presented to Council at its Ordinary Meeting dated 20 August 2019, however the applicant requested that the report be withdrawn in order for further discussions to take place with Hawaiian and QIC in an attempt to revive a former parking agreement which allowed hotel patrons use of the Claremont Quarter car park. The applicant subsequently advised on 2 September 2019 that the Claremont Quarter car park proposal was not proceeded with, and requested that the proposal be represented to Council for determination.

Furthermore the report that was proposed to be considered by Council on 20 August contained historic car parking calculations which required review. This review is detailed in the discussion section of this report. It is noted however, that on completion of the review, the parking requirements which apply to the determination of this application remain unaltered.

PAST RESOLUTIONS

There are no past Council resolutions relevant to this application.

Statutory Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) introduced deemed provisions to apply over LPS3 provisions. Although fully operational independent of the Scheme, these are now being incorporated into LPS3 under the Amendment No. 140 review of LPS3.

Deemed provision 12 of the LPS Regs provides for the Local Government to vary any site or development requirement specified in this Scheme to:

- (a) *facilitate the built heritage conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the heritage list; or*
- (b) *enhance or preserve heritage values in a heritage area.*

A variation may be unconditional or subject to any conditions the local government considers appropriate.

Heritage

The property is included on the Town's List of Heritage Places. The existing Claremont Hotel is part of a Category B Heritage Precinct that is considered to be of "considerable significance". The proposal is to be considered in line with Local Planning Policy 124 Retention of Heritage Property and Assets (LPP 124) and deemed provision 12 of the LPS Regs.

Under the Town's Local Government Inventory, the Claremont Hotel is listed as being of:

"Considerable Contribution: It is a distinctive example of a Federation Filigree hotel in Claremont, located in the historically significant location opposite the railway station. The social significance and sense of place add to the significance of the form and function of the historic place."

The Town's Heritage Officer has noted the following as the key points for consideration in relation to the proposal:

Ground Floor

- The staircase is identified as significant. The best heritage outcome is to retain it in situ. As this is not possible, the applicant is to demonstrate detailed consideration for its relocation and interpretation.
- Relocation of the ground floor staircase to north side of the existing building. This is an acceptable heritage outcome as the proposal is to also interpret the original staircase in its current location. Re-use of fabric from original staircase and preferred proposal for interpretation of original location of stairs to be selected from the Richard Stanisich Stair Study commissioned by the applicant.
- The small entrance lobby off the verandah on Guger Street is identified as significant. It should be retained or a proposal for interpretation submitted.
- Re-rendering and repainting of exterior bricks at corner door in a style and colour similar to existing surrounding walls to restore to condition previous to render being removed.
- Any ceiling identified as original should remain, with minimal impact to this in case of new lighting, etc., being necessary.
- Restoration of the ground floor Guger Street façade to reinstate original fenestration/arrangement of window.

First Floor

- The proposed removal of original fabric is extensive. The significant elements identified in the Heritage Impact Assessment (HIA) can be summarised as being the first rooms behind the street-facing façade. Retention of this fabric is the best heritage outcome, however, if significant internal fabric is removed, interpretive elements must enable the space to demonstrate its historic layout. This can be retention of portions of the original fabric, or an alternative interpretation proposal from the applicant.
- Capitals on the two windows on the first floor of the adjacent shop to the south (proposed to become doorways) to reflect those on the windows further the south, thereby restoring elements lost at an earlier phase of development.
- Infill of the first floor façade including details of the infill which are to respect and reflect the fenestration shown in historic images of the Hotel.
- Retention of elements of original walls and two fireplaces to indicate the original layout of the building.

DISCUSSION

Description

The application proposes the refurbishment of the Claremont Hotel. The intent of the proposal is to maintain and enhance the existing street presence to both Guger Street and Bay View Terrace, whilst upgrading and improving the internal building fabric without compromising the historical values of the place. Specifically, the proposal includes:

The application proposes the refurbishment and additions to the Claremont Hotel. The intent of the proposal is to maintain and enhance the existing street presence to both Guger Street and Bay View Terrace, whilst upgrading and improving the internal building fabric without compromising the historical values of the place. Specifically, the proposal includes:

- The removal of the existing liquor store and drive-through and required remediation works to the existing Guger Street cross over and median-island.
- Works to the internal building fabric that includes the replanning of walls and creation of 'zones'.
- Remediation and restoration works to the heritage components.
- Expansion of the rear portion of the site (west). The ground floor will consist of restaurant and kitchen, and upstairs is proposed as a function area.
- Extension of the upper floor balcony along the Bay View Terrace frontage.
- Introduction of a new open courtyard in the location of the drive through and liquor store.
- The expansion of the hotel to include the restaurant, kitchen, courtyard, balcony and function area will increase the floor area by 593.33m² (as confirmed by the applicant).
- Removal of two parking bays, and reinstatement of three parking bays at the rear of the site.
- The proposal is to continue with the current approved use. It is also noted that the proposed hours of operation will be consistent with that of the existing.

Land Use

The Claremont Hotel is currently approved as a 'Tavern' under LPS3, which is an 'SA' land use in Table 1, meaning the land shall not be used for the purpose indicated but that in exceptional cases may specially approve of such a use where consultation has been carried out. The proposal is to continue with the current approved use for 'Tavern'. It is also noted that the proposed hours of operation will be consistent with that of the existing.

Compliance

The proposal has been assessed under the provisions of Part III of LPS3 "Development Requirements", Local Planning Policy 205 – Public Parking (LPP 205) and Local Planning Policy 127 - Bicycle Parking and Facilities (LPP 127). Where non-compliant the application is to address any applicable opportunity for discretionary consideration under the Scheme (including the LPS Regs) and LPP 205.

LPS3 cl. 60 – Town Centre Zone (Objectives)

- (1) *That Bay View Terrace be maintained as the centre of the specialised shopping area of the District.*

The intent of the proposal is to continue and enhance the existing use for the site. The proposal will consequently not interfere with the functionality of the Bay View Terrace shopping area.

- (2) *The need for the Zone to provide a varied and integrated centre incorporating a wide range of retail outlets, Offices, Entertainment, Social and Community Facilities.*

Given that the proposal is to refurbish an existing commercial property that is an integral entertainment facility within the Town Centre Zone, the proposal complies in relation to this objective.

- (3) *That buildings and the access and circulation for pedestrians and vehicles and parking facilities be so laid out as to ensure safety and convenience for shoppers and other users of the Zone.*

The three car parking bays proposed are to be confined to the rear of the site and to be accessed by an existing laneway. There are currently five car parking bays on site and a drive through bottle shop which is to be removed, therefore the proposal will result in a lower turnover of vehicles along Guger Street and increased pedestrian safety. The intent of the refurbishment is furthermore to increase the functionality of the Hotel for the public which also meets the intention of this objective.

- (4) *The need for architectural and civic design of a high standard in order to compliment the design of older buildings and provide diversity consistent with overall harmony.*

As noted, the subject site is located within a Category B Heritage Precinct and deemed to contribute considerably to the Town. The applicant has stated the intent is to maintain and enhance the existing external building fabric, which will continue to compliment the design of the heritage buildings within the Precinct, and all internal works are to respect the heritage values of the place. Although the proposal has been formulated in line with Councils LPP 124, and in consideration of the advice submitted by the Town's Heritage Officer, there are a number of additional works which would improve the heritage outcomes for the development and assist in the consideration of planning discretion under deemed provision 12 of the LPS Regs (see further comments below).

- (5) *The provision of landscaping to provide shade and visual relief.*

The proposal is to increase the quality of the current landscaping by way of new trees to the proposed northern and central courtyards and other landscaping features including planters.

- (6) *To enable appropriate residential development within the zone.*

This proposal does not relate to any residential use.

- (7) *The preservation of all buildings referred to in Clause 78.*

The building is to be preserved. Refer to point (4).

LPS3 cl. 63 – Plot Ratio

The proposed plot ratio of 1.03 is in compliance the allowance of 2.0 under LPS3.

LPS3 cl. 40 – Height of Buildings

Under cl. 40(7) of LPS3, Council has discretion on building height (above two storey) when assessing development within the Town Centre. In this instance, it is not proposed to increase the height of the existing building which is currently two storey, therefore the height is compliant.

LPS3 cl. 34 – Landscaped Open Space

LPS3 stipulates that a ‘Hotel/Tavern’ use is required to have a minimum of 10% of the site reserved for landscaped open space. It is noted that the site currently does not have any dedicated areas of landscaped open space.

A key element of the proposal is to remove the existing drive-through bottle shop to the rear of the site and introduce two large areas of open courtyard to the rear of the site. The outdoor courtyard spaces are to include central trees and garden bed planters which can be considered elements of landscaped open space under LPS3, as defined “any area developed with or by the planting of lawns, garden beds, shrubs or trees and includes any rockery, ornamental pond or paving”. In total these spaces combine to 191m² (11.5%) which exceeds the required 10% for landscaped open space under LPS3.

LPS3 cl.30, cl.31, cl. 31A and cl. 33 and LPP 205 - Car Parking and Cash-in-Lieu

The development proposes variations to the provisions of the LPS3 in relation to cl.30 Substantial Alterations – Car parking, cl.31 Car Parking Spaces, cl.31A Relaxation of Car Parking Numbers and also LPP 205. Where development does not comply with the provisions of LPS3, a variation can only be considered if provided for under the terms of the Scheme (including the deemed provisions under the LPS Regs) or through meeting the objectives of LPP 205.

As outlined below, the development requires the provision of 209 bays and the payment of \$6,270,000 cash-in-lieu under the strict terms LPS3 and LPP 205, however Council could reduce the amount of cash-in-lieu to \$3,135,000 if it considered a Policy variation appropriate to consider the proposal as a ‘preferred use’ in the Town Centre.

The following table (and relative notes) establish the past, present and (likely) future parking requirements for this development requiring consideration under this application.

Year	Existing Bays	Parking Requirement	Cash-in-Lieu
Past - 2012 Approx. \$72,250 per bay (Note 1)	618 bays	915 bays (+ 297 bays)	\$66,108,750
Past - July 2012 Parking Licences \$1,250/\$1,750 per bay (Note 2)	618 bays	915 bays (additional 297 bays)	\$1,143,750 \$1,601,250
Past – 2012 Parking Licences - \$1,250/\$1,750 per bay plus informal ‘status quo’ – additional floorspace only plus two lost bays (Note 3)	N/A	299 bays (297 + 2 bays)	\$373,750 \$523,250
Existing - 2017 Amendment No. 123 and Parking Policy \$30,000 / \$15,000 for ‘preferred uses’ per bay (Note 4)	N/A	209 bays	\$6,270,000 \$3,135,000
Future Option – Activity Centre Plan Entertainment 2 bays per 100m ² - \$30,000 / \$15,000 per bay (Note 5)	N/A	14 bays	\$420,000 \$210,000
Future Option - Activity Centre Plan plus existing concessions - \$30,000/\$15,000 per bay (Note 6)	N/A	10 bays	<u>\$300,000</u> \$150,000

Note 1 The initial area calculations provided by the applicant indicated that the original floor area was 1,236.8m² attracting 618 bays. The applicant indicated at that time that the floorspace was to increase by 472.6m² to 1,709.4m² attracting 855 bays.

On review of the proposal, the original floorspace was confirmed as 1,236.8m² attracting 618 bays. However assessment of the plans indicated that the resultant increase in floorspace would be 593.33m², resulting in a total floorspace of 1,830.13m². This attracts a total 915 bays.

1 bay per 2m² of bar and lounge floor area at cash-in-lieu rate (land value plus construction cost of an at-grade parking bay) estimated at the time of preparing Amendment No. 123 to be \$72,250.

Note 2 Council recognised the Scheme provisions were cost prohibitive to encouraging redevelopment of Bay View Terrace. In the preparation and examination of LPS3 Amendment No. 123 proposals, Council initially adopted a 'Moratorium' and then progressed to a 'Parking Licence' based on an up-front fee of \$1,250 with a possible additional \$500 payable 'at call' following gazettal of Amendment No. 123.

Note 3 To assist the reduction in Parking Licence fees, Council informally considered the 'status quo' circumstances based on parking requirements calculated on the difference between the existing and proposed development requirements.

The 'status quo' parking calculation takes into account not only the additional floorspace (593.33m²) but also any modifications on site relative to the provision of parking. The original development area of 1236.8m² was provided with five car parking bays. The new proposal reduces the parking provision by two bays to three. The increased floor area of 593.33m² requires 296.66 (297) bays, plus two additional bays (which are to be removed from the site. This establishes the 'status quo' parking requirement of 299 bays.

Note 4 Amendment No. 123 and LPP 205 adopted in 2017 and included:

- Legitimised interim 'Parking Licence', improve reciprocal parking arrangements and formally recognised 'status quo' parking
- Council provided with the option of considering parking concessions up to 35% (5% each relating to location within 400m of a rail station, 100m of a high frequency bus stop, 400m of a public car park, provision of bicycle bays and 'end of trip facilities' under Council's Local Planning Policy 127 - Bicycle Parking and Facilities Policy (LPP 127), public benefit and complimenting character and amenity for Town Centre of Local Centre zones, heritage conservation, and use of parking controls) – 30% applied in this instance providing LPP 127 is satisfied.
- Removal of land component of the cash-in-lieu value for parking shortfalls and applied a new fee based on 'decked parking' construction cost of \$30,000 per bay, reduced to \$15,000 for defined 'preferred uses'.

Note 5 The applicant for the Claremont Hotel has indicated all the cost options past and present are 'cost prohibitive'. It is noted that only one development has proceeded in the Town Centre since gazettal of Amendment No. 123 (58-62 Bay View Terrace), suggesting the Amendment No. 123 package has most likely not achieved its desired outcome.

In moving forward, the Town will need to reconsider future options relative to an Activity Centre Plan environment:

- SPP 4.2 Activity Centres sets up standard parking requirements for Activity Centres – 2 bays per 100m² for showrooms and offices and 4-5 bays per 100m² for shops with consideration required for reciprocal and shared parking, availability of on-street parking, public transport
- Parking calculation based on Showrooms and offices (commercial uses) which align with the 'Entertainment' (including Tavern) Planning Land Use Classification – 2 bays per 100m².

Council may apply this alternative parking calculation on the basis of heritage considerations by using deemed provision 12 of the LPS Regs (see further detail below).

Based on the additional floorspace of 593.33m² and the 'Entertainment' requirement of 2 bays per 100m², the reduced parking requirement is 11.87 (12) plus the two lost bays – 14 bays.

This requires \$420,000 cash-in-lieu, however if Council considers that proposal should be treated as a 'preferred uses' the cash-in-lieu requirement could be reduced to \$210,000.

Note 6 Apply above (Note 5 calculations) with consideration of existing concessions (30%) and also taking into account the loss of two existing parking bays from the 'status quo' parking provision for the existing development.

This requires \$300,000 cash-in-lieu, however if Council considers that proposal should be treated as a 'preferred uses' the cash-in-lieu requirement could be reduced to \$150,000.

Council can consider discretion to assess the application on 'future' Activity Centre Plan expectations by using deemed provision 12 of the LPS Regs (see further comment below). This is generally unavailable in the Town Centre, although it may apply to property on Bay View Terrace and to the Church Lane/St Quentin property adjacent to the Claremont Hub if Council considers heritage conservation outcomes are achieved.

The applicant has requested Council to consider further discretion through deemed provision 12 to totally remove the payment of cash-in-lieu by comparing the last approved Activity Centre Plan requirements for Subiaco – 0.5 bays per 100m² – 2.96 (3) bay shortfall (+ 2 lost bays) – total 5 bays required as cash-in-lieu - \$150,000/\$75,000 at \$30,000/\$15,000 per bay.

It is considered premature to take the Subiaco situation into account as, although the WAPC in approving an Activity Centre Plan is likely to take into account SPP 4.2 requirements, Subiaco and Claremont Town Centres are very different centres both in size (84 ha/20 ha) and availability of on-street parking (all roads/no peripheral roads), requiring parking in Claremont to be provided either on-site or public parking areas on Council landholdings funded by the Town, or alternatively provided by other sources requiring 'legal' reciprocal parking agreements to enable their use (e.g. Claremont Quarter – 1,255 bays available at night).

While Council could vary LPP 205 and charge no cash-in-lieu for the development, this is not recommended as it is likely to create a precedence for other applications seeking the same treatment in the future and would be inconsistent with orderly and proper planning as it would (at this point) confer a \$3,135,000 - \$6,270,000 financial favour to the developer which cannot be justified against the likely future planning outcomes and requirements to be established under the Activity Centre Plan for the Town Centre. This is primarily due to the need for the Town to accommodate its future growth and related parking needs on proposed development site, the Town's present landholdings or through 'legal' reciprocal parking arrangements. While it may be argued through this process that the current LPS3 parking requirements in an Activity Centre Plan environment are excessive, the need to provide additional parking to accommodate growth will remain and the cost of constructing decked car parking bays will only increase over time. The only other option for consideration under the Activity Centre Plan will be the negotiation of 'legal' arrangements with Claremont Quarter (or other landowners with excess parking availability) for the use of their (established and to be agreed) excess parking bays, the number of which could increase during the evening to assist in accommodating future night time activation of the Town Centre, inclusive of this development.

In determining this matter now, ahead of the confirmation of Activity Centre Plan parking requirements, a deferral of satisfaction of the parking requirement until commencement of the proposed development is possible, however due to the uncertainty involved in what the new requirement will be, such a condition would be deemed invalid in the event of a State Administrative Tribunal (SAT) Review.

Taking into account deemed provision 12 of the LPS Regs, providing the development achieves improved heritage conservation outcomes for the Hotel or heritage area (see comment below), it would be reasonable to consider a reduction in the parking requirements based on the likely and expected revisions to the Activity Centre Plan, and require the provision of 10 additional car parking bays and the payment of \$300,000 cash-in-lieu (as per Note 6 above). As indicated, Council may consider reducing this to \$150,000 based on its view that the proposal meets the Council's expectations of a 'preferred use' in accordance with LPP 205, however this is not recommended as it is likely to create a precedence for other applications seeking the same treatment in the future.

Deemed Provision 12 of the LPS Regs

It may be considered that the improvements proposed to the Hotel combined with the removal of the bottle shop and drive-through at an estimated development cost of \$4M represents a substantial investment to improve the heritage conservation outcomes for the Hotel and the Bay View Terrace Heritage Precinct. The investment also improves the financial viability of the business, so it may be inappropriate to attribute the entire value to the heritage outcomes.

In discussions with the applicant through the course of assessing the application a number of basic heritage considerations were established prior to consideration of the parking concessions now being contemplated. Based on using the deemed provision to confer a significant parking reduction and financial gain to the project, additional heritage outcomes have been requested and if the application is supported these should be incorporated into conditions of the Development Approval.

Based on the use of deemed provision 12, the development could proceed with a significant financial saving estimated to be between approximately \$3-6M. However taking into account the likely scenarios for parking requirements under an Activity Centre Plan situation, providing the cash-in-lieu parking is paid as recommended, the benefit to the applicant is purely being able to proceed with the project ahead of schedule relative to the completion of the Activity Centre Plan and subsequent amendments to LPS3 and LPP 205.

It is not recommended that the application be approved without the payment of cash-in-lieu for parking as requested by the applicant as although this could be achieved through the consideration of deemed provision 12 of the LPS Regs (as with the recommended payment of \$300,000 cash-in-lieu as a variation to the current parking requirements under LPS3), given this is proposed in consideration of revised parking requirements in an Activity Centre Plan scenario, a total relaxation of this requirement will in time raise expectations of other developers and may be viewed as favourable treatment to the Hotel raising consequential 'precedent' concerns.

Other Considerations – Reconfiguration of Guger Street Verge and Median Island Access

The existing road network in front of the Hotel, existing bottle shop and drive-through has been constructed to service the existing business. As one of the median island breaks and one of the crossovers are no longer required for this development, it is appropriate that the applicant restores the road design to the applicable standard appropriate for its new use and a typical road network design. In addition, a parking bay in front of the bottle shop should be removed to reinstate improved pedestrian facilities in front to the new outdoor garden. It is estimated that the cost of these works (as shown in Attachment 8) will be in the order of \$60,500. Given potential works associated with the Claremont train station redevelopment, it is possible that the modifications will be reduced – accordingly the bond amount above will be a maximum amount and may be reduced once design details are finalised.

FINANCIAL AND STAFF IMPLICATIONS

Depending on the amount of discretion on parking approved by Council and the required payment of cash-in-lieu may have an impact on how these calculations are determined in the future,

specifically in the context of the Town Centre Activity Centre Plan and in relation to assessing applications relative to improved heritage conservation outcomes in accordance with deemed provision 12 of the LPS Regs.

COMMUNICATION/CONSULTATION

The application was advertised in accordance with Council Policy LG525.

37 neighbours were consulted and eight comments were received. A summary of the submissions are provided in Attachment 7. Full copies of the submissions are also attached to this report.

In summary however, concerns raised together with a brief response on each is provided as follows:

- Impact of noise – While in recent times there have been no recorded noise complaints relative to the venue, the proposal will involve additional floorspace closer to the adjoining residents together with an open balcony and courtyard. The applicants have advised they will be using noise attenuation materials in the external areas. If approved it is recommended that the applicant provide an acoustic report demonstrating that the development and Hotel's activities (live bands, amplified music and entertainment) will comply with the *Environmental Protection (Noise) Regulations 1997* at the nearest noise sensitive premises being the Claremont Quarter Apartments. Any noise mitigating measures and controls recommended in the report are to be implemented, in particular dealing with breakout noise from the venue such as entertainment noise, crowd noise, rubbish collections, service deliveries.
- Impact on security - It is considered the activation of Guger Street proposed by the application will considerably increase casual surveillance in the area. In order to address concerns raised regarding anti-social behaviour in the laneway additional lighting and security cameras would act as a deterrent and further assist with improving the Crime Prevention Through Environmental Design (CPTED) principles. If the development is approved it is recommended that a condition be included to require a CPTED assessment, Lighting Plan and Security Management Plan be submitted prior to the issue of a Building Permit.
- Proliferation of similar venues in the area - It is considered the proposed alterations to the premises are likely to increase vibrancy and activate this section of Guger Street and also improve the activation of the northern section of Bay View Terrace. The proposal includes various 'zones' for different activities, including a courtyard area fronting Guger Street, and appears to have been design to attract a range of different people, including families.
- Negative impact on property values - Financial matters are not a consideration that can be taken into account in the assessment of a Development Application. It is also considered impacts on the amenity of adjoining/adjacent residents can be ameliorated through the requirements for Acoustic Assessment, Noise Management Plan, Lighting Plan, CPTED Assessment and Security Management Plan.
- Negative impact on the heritage values of the site (specifically the stair case) - The staircase is identified to have significant heritage value. The applicant has proposed to relocate the ground floor staircase. The Town's Heritage Officer has advised this to be an acceptable heritage outcome as the proposal will interpret the original staircase in its current location. A Stair Study submitted by the applicant has proposed various acceptable interpretation strategies, and have advised the staircase will be re-used in construction of a new staircase within the building. If the development is approved, re-use of the staircase and interpretation of its form can be included as a condition on any approval.

- Disruption to surrounding businesses during development - Should the application be approved the applicant will be required to submit a Construction Management Plan which is to include details on parking, deliveries, storage of materials, location of scaffolding and traffic management. Work-zone permits will be required where footpath or roads are impeded and this will require the payment of a bond through the Building Permit process. The Town will assess the plan and Work-zone permit requests to ensure minimal disruption to the locality. This may be closely monitored by the Town's rangers. A condition can be included on any approval to address this matter and the applicant will be responsible for ensuring construction occurs in accordance with the Construction Management Plan. It is also noted that most of the construction fronts Guger Street, thereby reducing the potential for impact on Bay View Terrace.
- Hours of operation - The operating hours will remain the same as they presently are, being:
 - Monday to Wednesday — 6.00 am. to 12.00 midnight
 - Thursday to Saturday — 6.00 am. to 1.00 am
 - Sunday — 10.00 am. to 12.00 midnight
 - New Year's Day — from immediately after 12.00 midnight on New Year's Eve to 2.00 am
 - Good Friday or Christmas Day — from 12.00 noon to 10.00 pm, only for liquor sold ancillary to a meal supplied by the licensee
 - ANZAC Day — from 12.00 noon to 12.00 midnight.

If approved, a condition can be included that limits opening hours as existing. The proposal will also need to comply with the *Environmental Protection (Noise) Regulations 1997*.

POLICY AND STATUTORY IMPLICATIONS

Determination of this application and conferral of concessions relative to a reduction in cash-in-lieu for parking requirements may require a variation to LPP 205.

STRATEGIC COMMUNITY PLAN

Liveability

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

- Balance the Town's historical character with complementary, well designed development.

URGENCY

The application has exceeded the 90 day statutory time frame and the applicant is now within their rights to accept a deemed refusal and refer the matter to the State Administrative Tribunal for Review.

CONCLUSION

Based on the above, it is recommended that approval be granted subject to the conditions in the officer's recommendation. Should Council be of the view that the Hotel extensions warrant "preferred use" status, the recommended cash-in-lieu payment required by recommended Condition 2 could be reduced by half to \$150,000.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

THAT Council grant Development Approval for the proposed renovation and extensions to the Claremont Hotel at Lots 1, 3 and 66 (1-5) Bay View Terrace, Claremont subject to the following conditions and advice notes:

1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00178), as amended by these conditions.
2. Prior to the issue of a Building Permit, the applicant is to pay a cash-in-lieu payment of \$300,000 to the Town of Claremont for the provision of 10 additional car parking bays.
3. In order to qualify for variations to the development requirements under Local Planning Scheme No. 3 through consideration of heritage conservation outcomes under deemed provision 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, detailed plans to be provided showing the following matters to the satisfaction of the Town of Claremont prior to application for Building Permit and the approved details are to be incorporated into the application for the Building Permit:
 - a) Completion of all works detailed in the Heritage Impact Assessment.
 - b) Infill of the first floor façade including details of the infill which are to respect and reflect the fenestration shown in historic images of the Hotel.
 - c) Restoration of the ground floor Guger Street façade to reinstate original fenestration/arrangement of window.
 - d) Re-use of fabric from original staircase and preferred proposal for interpretation of original location of stairs to be selected from the Richard Stanisich Stair Study commissioned by the applicant.
 - e) Retention of elements of original walls and two fireplaces to indicate the original layout of the building.
 - f) Re-rendering and repainting of exterior bricks at corner door in a style and colour similar to existing surrounding walls to restore to condition previous to render being removed.
 - g) Provision of capitals on the two windows on the first floor of the adjacent shop to the south (proposed to become doorways) to reflect those on the windows further the south, thereby restoring elements lost at an earlier phase of development.
4. A Construction and Site Management Plan detailing traffic management arrangements, the location of proposed scaffolding, maintenance of public thoroughfare along footpaths, access to the site, tree protection, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.
5. The applicant is to pay \$60,500 to the Town of Claremont as a maximum bond for the reconstruction and reinstatement of the footpath and median-island in Guger Street. The works covered by the bond may include removal of the existing parking embayment, an existing crossover and a median island break, together with realignment of the carriageways and turning pockets at the final discretion and to the satisfaction of the Town of Claremont.
6. Vehicle access is to be designed in such a manner as to prevent storm water entering the property from the road and footpath to the satisfaction of the Town of Claremont.

7. The external materials and colour finishes of the development are to be to a standard such that it complies with the requirements of Clauses 76 and 77 of the Town of Claremont Local Planning Scheme No. 3, to the satisfaction of the Town of Claremont. Zincalume or Surfmist roof sheeting is not permitted.
8. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit to the satisfaction of the Town of Claremont.
9. Prior to the issue of a Building Permit Lots 1, 3 and 66 (1-5) Bay View Terrace are to be amalgamated on a Certificate of Title issued to the satisfaction of the Town of Claremont. Alternatively, the applicant may apply for amalgamation and enter into a legal agreement with the Town prior to the issue of a Building Permit, to ensure amalgamation occurs within 12 months of the issue of a Building Permit. The legal agreement shall be prepared by the Town of Claremont's solicitors, with all associated cost to be paid for by the applicant, and shall be entered on the Certificate of Title as an Absolute Caveat.
10. The dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004.
11. Ten (10) bicycle parking bays and end-of-trip facilities are to be provided within the basement carpark to the satisfaction of the Town of Claremont in accordance with Local Planning Policy 127 - Bicycle Parking and Facilities.
12. Prior to the issue of a Building Permit, a Crime Prevention Through Environmental Design audit of the proposed development inclusive of a Lighting and Security Management Plan and any design detail modifications is to be submitted to the satisfaction of the Town of Claremont. Any design modifications and controls recommended in the approved Crime Prevention Through Environmental Design audit are to be included in the application for Building Permit and implemented on an ongoing basis.
13. Prior to the application for Building Permit, the applicant is to provide an Acoustic Assessment Report and Noise Management Plan to the satisfaction of the Town of Claremont demonstrating that the development and Hotel's activities (live bands, amplified music and entertainment) will comply with the *Environmental Protection (Noise) Regulations 1997* at the nearest noise sensitive premises being the Claremont Quarter Apartments. Any noise mitigating measures and controls recommended in the approved Acoustic Assessment Report and Noise Management Plan, in particular dealing with breakout noise from venue such as entertainment noise, crowd noise, rubbish collections and service deliveries, are to be included in the application for Building Permit and implemented on an ongoing basis.
14. Prior to submission of a Building Permit, a design for the provision of an enclosed bin store at the rear of the lot which mitigates against any amenity impacts on users of the laneway and adjacent residents is to be submitted to the satisfaction of the Town of Claremont. The approved bin store design is to be incorporated into the application for Building Permit.
15. Opening hours are to remain the same as present, being:
 - Monday to Wednesday — 6.00 am. to 12.00 midnight
 - Thursday to Saturday — 6.00 am. to 1.00 am
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 - New Year's Day — from immediately after 12.00 midnight on New Year's Eve to 2.00 am
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Advice Notes:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.
- Note 4: This is a Development Approval only and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.
- Note 5: 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: Where new or modified crossovers are proposed as part of this development, applicants are required to submit a Crossover Application Form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards and specifications, and to download the Crossover Application Form.
- Note 7: This property is included on the Town of Claremont's Heritage List and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.
- Note 8: With regard to Condition 11, it is recommended that showers be included within the unisex toilets for staff, and lockers be provided for staff, to provide end-of-trip facilities to the satisfaction of the Town of Claremont.
- Note 9: The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
- a) All mechanical devices/installations (i.e. air conditioners, exhaust outlets, compressors etc.) are to be located in a position and/or sound proofed to ensure that they will not result in the emission of unreasonable noise and comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - b) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
 - Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
 - On a Sunday or on a public holiday.
 - c) 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*.
 - d) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space and toilet facilities and exits.

ALTERNATIVE MOTION**RESOLUTION 133/19**

Moved: Cr Peter Browne OAM, JP

Seconded: Cr Jill Goetze

That Council grant Development Approval for the proposed renovation and extensions to the Claremont Hotel at Lots 1, 3 and 66 (1-5) Bay View Terrace, Claremont subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2018.00178), as amended by these conditions.**
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- 4. A Construction and Site Management Plan detailing traffic management arrangements, the location of proposed scaffolding, maintenance of public thoroughfare along footpaths, access to the site, tree protection, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.**
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realignment of the carriageways and turning pockets at the final discretion and to the satisfaction of the Town of Claremont.

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Advice Notes:

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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: Where new or modified crossovers are proposed as part of this development, applicants are required to submit a Crossover Application Form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards and specifications, and to download the Crossover Application Form.

Note 7: This property is included on the Town of Claremont's Heritage List and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.

Note 8: With regard to Condition 11, it is recommended that showers be included within the unisex toilets for staff, and lockers be provided for staff, to provide end-of-trip facilities to the satisfaction of the Town of Claremont.

Note 9: The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:

- a) All mechanical devices/installations (i.e. air conditioners, exhaust outlets, compressors etc.) are to be located in a position and/or sound proofed to ensure that they will not result in the emission of unreasonable noise and comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

- b) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
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 - On a Sunday or on a public holiday.
- c) 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*.
- d) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space and toilet facilities and exits.

Reasons: The reduction in the cash-in-lieu reflects recognition that the application meets Council's expectations of a 'preferred use' in accordance with Local Planning Policy 205 - Public Parking, the differences in parking demand at night to those during the day, and promotion of the use of public transport.

For: Mayor Jock Barker, Cr Peter Browne OAM, JP, Cr Peter Edwards, Cr Sara Franklyn, Cr Jill Goetze, Cr Bruce Haynes, Cr Paul Kelly, Cr Chris Mews.

Against: Cr Alastair Tulloch.

CARRIED 8/1

13.1.2 HERITAGE MAINTANCE GRANTS - 14 BRASSEY STREET & 13 ALBERT STREET**File Number:** GAS/00075, D-19-32266

Attachments:

1. Grant Application - 13 Albert Street 
2. Grant Application - 14 Brassey Street 
3. Quotes - 13 Albert Street - Confidential
4. Quotes - 14 Brassey Street - Confidential
5. Mike Balfe Heritage Maintenance Grants Policy LV130 

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

Authoriser: Liz Ledger, Chief Executive Officer

Proposed Meeting Date: 1 October 2019

Date Prepared: 17 September 2019

DA No.: NA

60/90 Days Due Date: NA

Property Owner: Jane & Chris Gibson (13 Albert Street); James & Anna Doherty (14 Brassey Street)

Applicant: Jane & Chris Gibson (13 Albert Street); James & Anna Doherty (14 Brassey Street)

Lot No.: 1 (13 Albert Street); 17 (14 Brassey Street)

Area of Lot: 627 (13 Albert Street); 607 (14 Brassey Street) m²

Zoning: Residential R15-20 (13 Albert Street); R20 (14 Brassey Street)

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

SUMMARY

- Application for Mike Balfe Heritage Maintenance Grant received requesting \$5,000 for works by the owners of 13 Albert Street, Claremont.
- Application for Mike Balfe Heritage Maintenance Grant received requesting \$3,007.50 for works by the owners of 14 Brassey Street, Swanbourne.
- It is recommended that Council approve Mike Balfe Heritage Maintenance Grants for heritage works in accordance with Council LPP124 – Retention of Heritage Property and Assets and Policy LV130 – Mike Balfe Heritage Maintenance Grants at 13 Albert Street to the value of \$2,913, and at 14 Brassey Street to the value of \$3,007.50.

PURPOSE

To present to Council for consideration two applications for the Mike Balfe Heritage Grants.

The applications require the Council's determination.

BACKGROUND

The residents of two houses listed on the Town's Heritage List have applied for grants under the Mike Balfe Heritage Grant. The applicants have requested \$5,000.00 (13 Albert Street) and \$3,007.50 (14 Brassey Street) for the purposes of maintaining their heritage-listed properties such that the heritage fabric of the two places are conserved.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
7 Aug 2019	Mike Balfe Heritage Maintenance Grant application received for 13 Albert Street
13 Sept 2019	Mike Balfe Heritage Maintenance Grant application received for 14 Brassey Street
23 September 2019	Report prepared for Council

PAST RESOLUTIONS

There are no past Council resolutions relevant to this application.

DISCUSSION

13 Albert Street

13 Albert Street is included on the Town's Heritage List. The 1922 California Bungalow is entered in the Local Government Inventory as making 'some contribution' to the Albert Street Heritage Area. The description of the place is:

Single-storey painted brick with a hipped tile roof with a dominant plain gable. The roof extends over the half front verandah and extends across the gable wall forming a narrow verandah across the front. The verandah is supported by square timber posts and simple brackets. No chimneys are evident.

The application proposes restoration of the original home, improvement of previous renovation to match heritage façade and modern extension to rear of home. Works include:

- Refurbishment of timber windows.
- Change aluminium frame window to original timber frame.
- Tuckpointing & stucco detail of façade.
- Reinstate decking to front of property.

Two quotations for each portion of the relevant parts of the project were submitted along with the application. The total cost of the elements noted above is \$15,394.48 (inc. GST).

The following assess the essential contained in LV130:

- The proposed refurbishment of timber windows and the replacement of aluminium window with a timber window will increase the heritage values of the place, and assist in long-term conservation by preventing water ingress. These works are compliant with LV124 and LV130 and supported (\$4,235 + \$1,591 = \$5,826).
- Tuckpointing and stucco will increase the overall aesthetic value of the place, but will not necessarily increase the heritage value since it is not replacing lost original elements. This element of the proposal is not considered to satisfy the terms of LV124 and LV130, and is not supported.
- The replacement of pavers at the verandah with timber could have a small increase on the heritage values of the place. However, this is not consistent with the policy requirement that verandah repairs should be to "repair or replace deteriorated structural elements". This element of the proposal is not considered to satisfy the terms of LV124 and LV130, and is not supported.
- The project is achievable, and the various quotations submitted show it is value-for-money.
- The place has 'Some Significance' within the Town's heritage stock, and so has some heritage value.
- The dwelling has not received any planning concessions relative to density or consideration of deemed provision 12 of the LPS Regs.
- There will be some overall benefit both to the place and the streetscape.

- Recommended that 50% of the works which satisfy the terms and requirements of LV124 and LV130 be supported – $50\% \times \$5,826 = \$2,913$.

14 Brassey Street

14 Brassey Street is included on the Town's Heritage List. The c.1917 Federation Bungalow is entered in the Local Government Inventory as a Category C place, meaning it has 'some significance' for the total heritage stock of the Town of Claremont. The description of the place is:

Single-storey house with tuck pointed brick (front) and red brick (sides) on limestone footings. Roof is unpainted Zincolume, hipped with a ridge vent on the eastern side and a half-timbered gable with finial over the projecting bay. There is a verandah across the front up to the projecting bay, with a separate roof, supported by turned timber posts and timber brackets, with a timber balustrade. Windows are timber framed sash; the windows to the projecting bay have a Zincolume awning over. Front door has side and fanlights. Picket fence to boundary line. Garage addition to side, face brick, with aluminium roller door.

The applicant proposes to:

- Paint external timber on heritage parts of the property.
- Repair a limestone wall.
- Install replacement windows at the front to restore the original appearance.

Two quotations for each portion of the relevant parts of the project were submitted along with the application. The total cost of the elements noted above is \$6,015 (inc. GST).

The following assess the essential criteria contained in LV130:

- The proposed painting of the heritage elements will assist in long-term conservation of the timber. These works are compliant with LV124 and LV130 and supported (\$2,760).
- The repair of a limestone wall will prevent further deterioration of that element. These works are compliant with LV124 and LV130 and supported (\$825).
- The replacement windows will restore the place to an earlier appearance. These works are compliant with LV124 and LV130 and supported (\$2,430).
- The project is achievable, and the various quotations submitted show it is value-for-money.
- The place makes 'some contribution' to the Albert Street Heritage Area, and so has some value for the heritage stock of the Town of Claremont.
- The dwelling has not received any planning concessions relative to density or consideration of deemed provision 12 of the LPS Regs.
- There will be some overall benefit both to the place and the streetscape.
- Recommended that 50% of the works which satisfy the terms and requirements of LV124 and LV130 be supported – $50\% \times \$6,015 = \$3,007.50$.

FINANCIAL AND STAFF IMPLICATIONS

Approval of these applications will reduce the funds available for the Mike Balfe Maintenance Heritage Grant applications by a total of \$5,920.50, which will retain sufficient funds for future grant applications.

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.

- Balance the Town's historical character with complementary, well designed development.

URGENCY

Nil

CONCLUSION

Based on the above, it is recommended that Mike Balfe Heritage Maintenance Grants be awarded to the owners of 13 Albert Street (\$2,913) and 14 Brassey Street (\$3,007.50).

VOTING REQUIREMENTS

Simple majority decision of Council required.

RESOLUTION 134/19

Moved: Cr Bruce Haynes

Seconded: Cr Jill Goetze

1. Council approve the application from Jane and Chris Gibson for a Mike Balfe Heritage Maintenance Grant for heritage works proposed to 13 Albert Street, Claremont to the value of \$2,913.
2. Council approve the application from James and Anna Doherty for a Mike Balfe Heritage Maintenance Grant for heritage works proposed to 14 Brassey Street, Swanbourne to the value of \$3,007.50.

CARRIED

13.2 LEADERSHIP AND GOVERNANCE

13.2.1 FORM PARTNERSHIP

File Number: REC/00065, D-19-32987
Author: Liz Ledger, Chief Executive Officer
Authoriser: Liz Ledger, Chief Executive Officer
Attachments: Nil

PURPOSE

For Council to consider amendments to details of the partnership agreement with FORM which results in a change to funding, and the reallocation of these funds to offset the impact of this social and economic loss.

BACKGROUND

Western Australian based creative agency FORM moved to Claremont in 2015, occupying the Station Masters house, and then redeveloping and opening the Goods Shed for the purpose of arts, culture and social activation.

FORM is a notable, not for profit agency in WA, and through a collaborative approach supports and nurtures creative excellence in the community.

Since moving to Claremont, FORM has added to the cultural fabric of the Town, with art exhibitions, workshops and events on a daily basis. Since its official opening in 2016, the Goods Shed has attracted an estimated 150,000¹ visitors to Claremont.

At its Ordinary Meeting in June 2017, Council supported the creation of a Children's Art and Literature Festival, 'Scribblers', as a partnership between FORM and the Town. In its first year, this represented the employment of the part time Festival Director by the Town. Due to the complexities of this arrangement (i.e. one employee managed by the Town, the other employees manage by FORM), the second year the Town provided the funding (\$62,000) for the position, and the position was employed by FORM.

The Town also supports FORM through a subsidised rental agreement for the Station Masters House.

DISCUSSION

In 2019 the Scribblers Festival engaged approximately 15,000² people during the five day event, which was spread out over the schools program, the teachers' lounge, the family program and the YA Collective (Youth program). While the primary focus of this event is children's literature, art and creativity, the secondary outcome of the festival has been the injection into the Claremont Town centre's economy through the number of visitors coming into Claremont on the weekend of the family program.

At the completion of this year's event, due to the growing size of attendees, FORM reviewed the venue options, and made the decision to move the family program component of the festival to the Subiaco Arts Centre, to accommodate the large number of attendees.

Although making this decision was difficult for FORM, it does result in them not meeting the obligations of the Agreement between the Town and FORM, that being;

3.1 ...The Festival must be held within the confines of the Town of Claremont.

In effect, this compromises the Town's annual commitment of \$62,000 for the 2020 Festival.

(1. The Goods Shed Report, 2016-2019, page 3)

(2. 2019 Artistic Report, Scribblers Festival, page 14)

The implications to the community and the Town of moving the family program outside the area includes:

- **Branding:** A significant loss of the positive association between the Town and the Festival,
- **Economic Impact:** A potential loss of visitors to the Claremont Town Centre, and therefore impact on small business,
- **Social Impact:** A potential loss of Claremont residents' involvement and engagement in the Festival due to proximity of the family program.

The secondary issue of Scribblers Festival moving to Subiaco is the effect that this will have on one of the Claremont Town Centre (CTC)'s annual projects, Off the Page. Off the Page is an economic development focussed activity involving a dedicated walk around the Town featuring art installations inspired by books, paper and print. The project was based on the theme of literature and the arts and designed to engage audiences with the local businesses before and during Scribblers Festival.

Without the Scribblers Festival promotion and connection with the Town, Off the Page loses significance and traction. Given the two issues combined, Officers have reviewed the situation and are recommending redirecting the funding of \$62,000 (that would otherwise have been given to FORM) towards a Town managed event through the CTC Project that fills the void created by the move of Scribblers, and supports local economic development and literature for young people. This would involve the following:

- Using the Scribblers funding and the Off the Page budget (\$62,000 + \$45,000), to re-design a new CTC program that has marketing, brand awareness and economic benefits across the town centre and offers a range of opportunities for a broad spectrum of CTC businesses.
- Building on the trust developed with businesses in supporting the Off the Page program for the long-term (as an annual event that would continue to grow).
- Creating an arts and cultural program that aligns with the expectations of the community and the Town's Strategic Community Plan – Claremont Ahead.

PAST RESOLUTIONS

Ordinary Council Meeting 6 June 2017, Resolution 78/17:

That Council

- 1. Support the creation of the Claremont Children's Art and Literature Festival as a partnership between FORM and Town of Claremont as presented in this report and the FORM proposal (attached);*
- 2. Approves the employment of a senior employee as Festival Director (.6 FTE) for a term of three years as outlined in this report;*
- 3. Includes \$60,000 in the 2017-18 budget to fund the Town of Claremont's contribution to the first year of the festival;*
- 4. Receives a report on the festival activities and outcomes at least annually and no later than December 2019 receive a proposal to consider if the festival is to be funded by the Town beyond the three year initial period; and*
- 5. Amends the Draft Budget to utilise the Claremont Now Reserve Funds as proposed in the confidential attachment and reallocate the required funds to finance this festival.*

FINANCIAL AND STAFF IMPLICATIONS

The Agreement between the Town and FORM is primarily a financial contribution to FORM, which obliges them to produce a Children's Art & Literature Festival and hold it within the confines of the Town. As a result the Town and its community gain the following benefits:

- **Branding:** A positive association between the Town and the Festival,

- **Economic Impact:** Increased visitation to the Claremont Town Centre
- **Social Impact:** Residents' involvement and engagement in a Festival that promotes and supports literature and the arts in young people

As mentioned in the discussion segment of this report, as the main component is not being held within the Town of Claremont in 2020, this compromises the Town's financial commitment to FORM for this financial year. While it is difficult to quantify the loss of this service, based on the outcomes of the 2018 and 2019 Festivals, there will be an impact on visitation to the Town Centre and to the social return such events have on the community. Essentially losing this product will leave a social and economic void.

Combining the available \$62,000 with the Off the Page budget of \$45,000 will provide a new opportunity to create a major project that will provide increased visitors to the Town Centre, involve a broad section of the community (schools, residents, artists, businesses), and have a positive reflection on the Town and its contribution towards social and economic development.

POLICY AND STATUTORY IMPLICATIONS

This report relates to Council's Policy PS203 Claremont Town Centre.

COMMUNICATION / CONSULTATION

FORM attended a briefing of Council on Tuesday 3 September, in which they advise the Elected Members of the change in venue for the Scribblers Festival due to crowd numbers. FORM acknowledged the Town's support and requested that Council consider the funding of \$62,000 be directed towards FORM's ongoing annual program of events.

STRATEGIC COMMUNITY PLAN

Local Prosperity

Our businesses are thriving and integrated into the life of the Claremont community, and the town centre is known as the premier visitor destination.

- Raise profile of the Claremont Town Centre as a visitor destination.

People

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

- We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.
- Facilitate opportunities for social participation, health, learning and inclusion through programmed activities and events.
- Recognise and celebrate the Town's history and culture through arts and events.

URGENCY

The Scribbler's Festival is scheduled for May 2020. Being able to advise FORM of the decision in relation to the funding as soon as possible would allow them to secure alternative funding from elsewhere. In addition, confirmation of the reallocation of these funds to the CTC Project will allow the time for Officers to build on the success of Off the Page, and plan for a new event to focus on literature and promote the Town Centre.

VOTING REQUIREMENTS

Simple majority decision of Council required.

RESOLUTION 135/19

Moved: Cr Peter Edwards

Seconded: Cr Jill Goetze

That Council

1. **Supports the reallocation of funding of \$62,000, originally for the purpose of supporting FORM's 2020 Scribblers Festival, to go towards the Claremont Town Centre project, to develop and implement a new event in 2020 that will:**
 - **Increased visitation to the Claremont Town Centre; and**
 - **Provide opportunity for community involvement and engagement in a Festival that includes the promotion of literature and the arts for young people.**

CARRIED

13.2.2 ORDINARY COUNCIL MEETING DATES FOR 2020

File Number: GOV/00027, D-19-33293
Author: Katie Bovell, Governance Officer
Authoriser: Liz Ledger, Chief Executive Officer
Attachments: 1. Ordinary Council Meeting Dates 2020 

PURPOSE

To set the Ordinary Council Meeting ('OCM') dates for the 2020 calendar year.

BACKGROUND

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

Since 2004, OCM's 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 the month, with the following exception:

- January 2020 – no meetings.

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 (predominately a Monday), it is proposed that the Ordinary Council Meeting still be held despite the loss of an opportunity to conduct an Agenda Briefing Forum.

The 2020 calendar has two instances where this will occur:

Public Holiday/ Agenda Briefing Forum	Ordinary Council Meeting
Monday 2 March 2020	Tuesday 3 March 2020
Monday 1 June 2020	Tuesday 2 June 2020

By continuing to hold these three Ordinary Council Meetings, Council will be able to avoid any potential impact to service delivery.

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.

FINANCIAL AND STAFF IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

POLICY AND STATUTORY IMPLICATIONS

Local Government Act 1995 s5.25 – Regulations about Council and Committee meetings and Committees.

Local Government (Administration) Regulations 1996 Reg. 12 – Public notice of Council or Committee meetings.

At least once each year a local government is to give local public notice of the due dates on which and 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 2020 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.

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

URGENCY

As the previous notice of meeting dates covers the period to the end of the 2019 calendar year, the meeting dates for the next period will need to be determined and advertised prior to commencement of the 2020 calendar year.

VOTING REQUIREMENTS

Simple majority decision of Council required.

RESOLUTION 136/19

Moved: Cr Paul Kelly

Seconded: Cr Sara Franklyn

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

CARRIED

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Cr Browne reported on his and Cr Haynes attendance at the opening of Celebrate Lake Claremont. Cr Goetze reported on her recent travels in Italy.

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

Nil

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

Nil

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

Nil

18 FUTURE MEETINGS OF COUNCIL

Ordinary Council Meeting, Tuesday 15 October 2019 at 7:00pm.

19 DECLARATION OF CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 8:04pm.

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CHAIRPERSON