



# TOWN OF CLAREMONT

## ORDINARY COUNCIL MEETING

### MINUTES

TUESDAY 21 MAY 2019

A handwritten signature in blue ink, appearing to read 'Liz Ledger', is positioned above the printed name.

Liz Ledger

CHIEF EXECUTIVE OFFICER

Date: 24/5/2019

**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.

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**21 MAY 2019**  
**MINUTES**

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**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 7:00pm.

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

<b>Mayor Jock Barker</b>	<b>Town of Claremont</b>
<b>Cr Bruce Haynes</b>	<b>East Ward</b>
<b>Cr Kate Main</b>	<b>East Ward</b>
<b>Cr Chris Mews</b>	<b>South Ward</b>
<b>Cr Jill Goetze</b>	<b>South Ward</b>
<b>Cr Paul Kelly</b>	<b>South Ward</b>
<b>Cr Peter Edwards</b>	<b>West Ward</b>
<b>Cr Sara Franklyn</b>	<b>West Ward</b>

**Ms Liz Ledger (Chief Executive Officer)**  
**Mr Les Crichton (Director Corporate and Governance)**  
**Mr David Vinicombe (Director Planning and Development)**  
**Mr Andrew Smith (Director Infrastructure)**  
**Ms Cathy Bohdan (Director People and Places)**  
**Ms Katie Bovell (Governance Officer)**

**Four member of the Public**  
**Two members of the Press**

**APOLOGIES**

NIL

**LEAVE OF ABSENCE**

<b>Cr Peter Browne OAM, JP</b>	<b>West Ward</b>
<b>Cr Alastair Tulloch</b>	<b>East Ward</b>

**3 DISCLOSURE OF INTERESTS**

NIL

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

NIL

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**5 PUBLIC QUESTION TIME**

**Mrs Joy Sinclair, 55/14 Albert Street, Claremont.  
Re: Parking Policy.**

Question: Mrs Sinclair requested a response to her letter dated 29 January 2019.

Answer: The Mayor took the question on notice.

**6 PUBLIC STATEMENT TIME**

**Mr James Roberts, Stanmore Street, Shenton Park.  
Re: Item 13.3.1, Concept Design and Costing for McKenzie Pavilion.**

Mr Roberts spoke in favour of the officer recommendation.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Franklyn, seconded Cr Mews**

**That the minutes of the Ordinary Meeting of Council held on [7 May 2019](#)  
Council be confirmed.**

**CARRIED(48/19)  
(NO DISSENT)**

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

NIL

**11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

NIL

**12 REPORTS OF COMMITTEES****12.1 LAKE CLAREMONT ADVISORY COMMITTEE****12.1.1 MINUTES OF MEETING HELD 2 MAY 2019**

**File No:** GOV/00051-02  
**Responsible Officer:** Andrew Smith  
Director Infrastructure  
**Proposed Meeting Date:** 21 May 2019

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**OFFICER RECOMMENDATION**

Moved Cr Haynes, seconded Cr Kelly

That the Minutes of the Lake Claremont Advisory Committee Meeting held on [2 May 2019](#) be received.

**CARRIED(49/19)  
(NO DISSENT)**

**13 REPORTS OF THE CEO****13.1 CORPORATE AND GOVERNANCE**

*Items 13.1.1 to 13.1.2 were carried en bloc.*

**13.1.1 LIST OF PAYMENTS 1 TO 30 APRIL 2019**

**File Ref:** FIM/00062-02

**Attachment:** [OCM Schedule of Payments April 2019 \(Attachment 1\)](#)  
[Purchase Card Expenses – March 2019 \(Attachment 2\)](#)

**Responsible Officer:** Les Crichton  
Director - Corporate and Governance

**Author:** Edwin Kwan  
Senior Finance Officer

**Proposed Meeting Date:** 21 May 2019

**Purpose**

For Council to note the payments made in April 2019.

**Background**

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from the Municipal Fund or Trust Fund. The CEO is required to present a list to Council of those payments made since the last list was submitted.

**Discussion**

Attached is the list of all accounts paid totalling \$1,330,519.54 during the month of March 2019.

The attached schedule covers:

- |  |              |
|--|--------------|
| • Municipal Funds electronic funds transfers (EFT) | \$711,157.12 |
| • Municipal Fund vouchers (EFT)                    | \$0.00       |
| • Municipal Fund direct debits                     | \$599,563.30 |
| • Trust Fund electronic funds transfer (EFT)       | \$19,799.12  |
| • Trust Fund vouchers                              | \$0.00       |

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

**Past Resolutions**

Ordinary Council Meeting 19 April 2019, Resolution 37/19:

*That Council notes all payments made for March totalling \$2,815,977.93 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	<i>\$</i>	<i>2,240,216.59</i>
<i>Municipal Fund vouchers (39607)</i>	<i>\$</i>	<i>16,295.50</i>



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<i>Municipal Fund direct debits</i>	\$	545,465.84
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	14,000.00
<i>Trust Fund vouchers</i>	\$	0.00

### **Financial and Staff Implication**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

*Local Government (Financial Management) Regulations 1996, Regulations 12- 13.*  
Town of Claremont Delegation Register – DA9 Payment of Accounts.

### **Communication / Consultation**

Nil

### **Strategic Implications**

#### **Governance and Leadership**

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

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

### **Urgency**

The Schedule of Payments is to be presented to the next ordinary meeting of Council after the list has been prepared.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Main**

**That Council notes all payments made by the Chief Executive Officer under Delegation DA9 for April 2019 totalling \$1,330,519.54, as detailed in Attachment 1 comprising:**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$711,157.12</b>
<b>Municipal Fund vouchers</b>	<b>\$0.00</b>
<b>Municipal Fund direct debits</b>	<b>\$599,563.30</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$19,799.12</b>
<b>Trust Fund vouchers</b>	<b>\$0.00.</b>

**CARRIED(50/19)  
(NO DISSENT)**

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### 13.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2019

**File No:** FIM/0062-03

**Attachments:** [Financial Report for the Period Ended 31 March 2019 \(Attachment 1\)](#)  
[Infrastructure Assets 2018-19 Schedule of Work \(Attachment 2\)](#)

**Responsible Officer:** Les Crichton  
Director - Corporate and Governance

**Author:** Hitesh Hans  
Finance Manager

**Proposed Meeting Date:** 21 May 2019

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**Purpose**

To present to Council the Statement of Financial Activity for the month ending 31 March 2019.

**Background**

The Monthly Financial Report is presented in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

**Discussion**

The Financial Statements to 31 March 2019 present the operational results for the nine months of the 2018-19 financial year and compares year-to-date expenditure and revenue against revised budget. The budget figures incorporate all 2017-18 carry-forwards approved as part of the June 2017 end of year report and mid-year budget review adopted by Council on 19 February 2019.

The closing surplus of \$8,620,609 compares favourably against the budgeted surplus of \$7,803,512. The budgeted Closing Surplus estimates the total (capital and operating) revenue expected at the end of January less the total expenditure expected for the period. While variations in timing account for much of the difference between budgeted and actual results, the year end result is currently subject to separate review as part of 2019-20 budget preparations.

As detailed below, the \$817,098 is variance is made up of:

Under budget	
Operating expenditure	\$3,317
Capital expenditure	\$438,488
Over Budget	
Capital revenue	\$271,657
Operating revenue	<u>\$103,636</u>
Variance	<u>\$817,098</u>

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In accordance with Council's adopted variance reporting requirement for 2018-19 Budget, only the variances above \$20,000 are reported below as major contributors. For further detail on all variances, refer to Attachment 1.

Operating revenue – \$103,636 above budget.

The major contributors to the operating revenue variations are:

	Revenue Budget	Revenue Actual	Variance
Fees and charges	\$2,711,992	\$2,753,493	\$41,501
Reimbursement	\$101,605	\$123,448	\$21,843
Interest Earnings	\$508,843	\$606,662	\$97,819
Rates Revenue	\$14,609,790	\$14,540,012	(\$69,778)

- \$41,501 Fees and charges – due to income from the removal of box trees \$22,000 and various timing differences across departments.
- \$21,843 Reimbursement – mainly due to reimbursement of Ashton Ave Footpath works \$9,000 and Paid Parental Leave payments \$7,000.
- \$97,819 Interest Earning – increase in interest income due to higher than estimated cash holdings.
- (\$69,778) Rates Revenue – due to timing of income from Interim rates adjustment from addition of new apartments.

Important revenue indicators are:

Total rates (including arrears, ESL and other charges) are \$17.802M with collection to date of \$17.361M or 97.5%. This compares to 97.8% collection in the previous financial year for this period.

Total UGP service of \$4.16M levied with collection to date of \$2.17M or 53%.

Note – Instalment option of UGP will be paid in 5 years.

Debtors show +90 days outstanding of \$15,000 which relate mainly to utility reimbursement and contribution invoices. Most have been escalated to debt collection for further follow up.

Operating expenditure – \$3,317 under budget

The major contributors to the operating expenditure variations are:

	Expenditure Budget	Expenditure Actual	Variance
Employee costs	\$5,117,919	\$5,000,639	\$117,280
Material and Contracts	\$7,741,182	\$7,911,536	(\$170,354)
Other Expenses	\$680,091	\$593,266	\$86,825

- \$117,280 Employee costs – mainly due to the timing of superannuation and vacancies.
- **(\$170,354)** Materials and Contracts – timing differences of which **(\$371,000)** relates to material & contracts - UGP Contract **(\$595,000)**, infrastructure maintenance \$217,000, and waste management **(\$60,000)**, \$76,000 consultancy and \$116,000 relates to office expenses (IT).
- \$86,625 Other Expenses – mainly due to timing of contributions \$38,000 and WESROC projects \$30,000.

Capital revenue – \$271,657 above budget.

This variance is due timing on the proceeds from sale of vehicles \$28,000 and non-operating grant \$299,000 received ahead of the budget timing.

Capital expenditure – \$438,488 below budget.

As detailed within the capital works schedules (Note 10), the capital expenditure comprises:

- \$182,000 above budget in infrastructure works due to timing. Attachment 2 provides further detail on the projects and variance explanation.
- \$188,000 & \$110,000 under budget in Land & Building and Plant & Equipment respectively is mainly due to timing. Note 10 provides further details about the projects.
- (\$47,000) transfer to Reserve is due to interest income transferred to reserve ahead of the budget timing.

Budget Amendments for depot site relocation.

Council, within the 2018-19 Budget, included a provision within its operating budget of \$140,000 towards relocation of the depot.

A further \$200,000 was allocated to the project from the surpluses identified as part of the mid-year review, however this did not recognise the \$140,000 already provisioned.

To correct this, it is proposed the \$200,000 allocation be reduced by \$140,000 and returned to the 2018-19 Closing Surplus. The Closing Surplus will now be \$222,987.

### **Past Resolutions**

Ordinary Council Meeting 16 April 2019, Resolution 37/19:

*That Council notes the Financial Statement of Activity for the period 1 July 2018 to 28 February 2019.*

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

*Local Government Act 1995.*

*Local Government (Financial Management) Regulations 1996.*

**Communication / Consultation**

The Town is required to prepare and submit to Council a financial activity statement each month.

**Strategic Community Plan****Governance and Leadership**

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

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

**Urgency**

Monthly statements of financial activity must be submitted within two months after the end of the month to which the statement relates.

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Haynes, seconded Cr Main****That Council**

1. **Notes the Financial Statement of Activity for the period 1 July 2018 to 31 March 2019,**
2. **Reduce the capital budget allocation for depot relocation from \$200,000 to \$60,000,**
3. **Increase surplus by \$140,000 to \$222,987 by reducing capital expenditure.**

**CARRIED(50/19)  
(NO DISSENT)**

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## 13.2 PLANNING AND DEVELOPMENT

### 13.2.1 395 STIRLING HIGHWAY, CLAREMONT – EXPANSION OF EXISTING NON-CONFORMING USE CONSULTING ROOM TO ACCOMMODATE FOUR CONSULTANTS AND TWO ADMINISTRATION STAFF

<b>File No:</b>	<b>A-3860</b>
<b>Attachments Public:</b>	<a href="#">Location and Submission Plan</a> (Attachment 1) <a href="#">Photograph</a> (Attachment 2)
<b>Attachments Restricted:</b>	<a href="#">Plans (R Attachment 1)</a> <a href="#">Submissions (R Attachment 2)</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Director Planning and Development</b>
<b>Author:</b>	<b>Lisa Previti</b> <b>Manager Statutory Planning and Building</b>
<b>Proposed Meeting Date:</b>	<b>21 May 2019</b>
<b>Date Prepared:</b>	<b>9 May 2019</b>
<b>DA No.:</b>	<b>DA 2019.00007</b>
<b>Property Owner:</b>	<b>Mario Horta</b>
<b>Submitted By:</b>	<b>Mario Horta</b>
<b>Lot No.:</b>	<b>11</b>
<b>Area of Lot:</b>	<b>885m<sup>2</sup></b>
<b>Zoning:</b>	<b>Residential, unzoned, and Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) Reservation</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Local Planning Scheme No.3 (LPS3)</b> <b>Local Planning Policy 127 –Bicycle Parking and Facilities (LPP127)</b>

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#### Summary

- Application for Development Approval received to increase the size of the existing consulting rooms which exist as a non-conforming use on site in accordance with Local planning Scheme No. 3 (LPS3).
- The site currently has nine parking bays which services the existing non-conforming use for two consultants and two administration staff. It is proposed to provide additional two parking bays (total 11) to accommodate an increase in the number of consultants to four with two administration staff.
- Twelve neighbouring landowners and occupiers were consulted and one submission was received raising concerns over traffic and on street parking.
- Application is recommended for approval, subject to relevant conditions.

## Purpose

For Council to consider an application for Development Approval expand the existing non-conforming use consulting rooms to allow for four consultants and two administration staff, including the provision of 11 car parking bays.

The application requires the Council's determination due to neighbour objections and the commercial nature of the proposal.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
17 <sup>th</sup> January 2019	Development Application received by Council.
23 <sup>rd</sup> January 2019	Application undergoes internal DCU assessment.
25 <sup>th</sup> January 2019	Advertising commenced.
12 <sup>th</sup> February 2019	Advertising closed.
February to April 2019	Attempts made to resolve issues raised with neighbour.
9 <sup>th</sup> May 2019	Report prepared for Council.

## Past Resolutions

Council considered an application for a change of non-conforming use to Consulting Room at its meeting held 20 May 1991. The application was granted approval subject to:

- (1) *A minimum of nine car parking bays being provided on the site.*
- (2) *Not more than two practitioners and one other employee to be engaged in any of the uses falling within the definition of Consulting Rooms on these premises at any one point of time.*
- (3) *The premises are not to be used for the purpose of Consulting Rooms on a Saturday, or a Sunday, or between the hours of 6:30pm and 8:00am.*
- (4) *No direct vehicular access to Stirling Highway being provided.*
- (5) *A landscape plan being submitted and approved prior to occupancy."*

Council initiated LPS3 Amendment No. 136 at its meeting held 19 September 2017 to apply zonings to land abutting Stirling Highway west of the town centre left unzoned by Metropolitan Regional Scheme (MRS) Amendment No.1210/41. The Amendment was advertised for a period of 45 days from 14 September 2018 to 29 October 2018, during which time the owner of 395 Stirling Highway (current applicant), Claremont lodged a submission (submission 5) requesting the property be zoned "Highway" to allow for a range of land uses, including consulting room. Council adopted LPS3 Amendment No. 136 without modification at its meeting held 20 November 2018, dismissing the submission as follows:

*"That Council:*

1. *Adopt Scheme Amendment No. 136 without modifications.*
3. *Authorise the Chief Executive Officer and Mayor to affix the Common Seal to Scheme Amendment No. 136 documents;*

4. *Forward Scheme Amendment No. 136 to the Minister for Transport, Planning & Lands for final approval and endorsement.*
5. *Dismiss submissions 1, 2, 3, 5 and 6, note submission 4, and forward a copy of this report and Council's resolution on this matter to all respondents to advertising of the amendment."*

### Statutory Considerations

#### Metropolitan Region Scheme Metropolitan Region Scheme (Main Roads WA Referral)

The subject site is located partially within an MRS reserve for 'Primary Regional Road' (PRR). Under the *Planning and Development Act 2005* (PD Act) MRS Instrument of Delegation (Del 2017/02), the Council has delegated authority to approve development within or adjacent to the Stirling Highway MRS reservation subject to any decision being consistent with the comment and recommendation of Main Roads WA (MRWA).

The subject application has been referred to MRWA for comment. MRWA advised that they have no objection to the proposed increase in the number of consultants and staff.

### Heritage

The property is listed on the Town's Heritage List. As such the application was referred to the Town's Heritage Officer who advised any changes to the use of the land, with no physical change to the fabric of the building, has no direct heritage implications.

### Consultation

The application was advertised in accordance with Local Planning Policy LG525. Twelve neighbours were consulted and one objection was received. A summary of the submission has been provided as follows:

Submissions Received		
<b>Address:</b>	3 Grange Street Claremont	
Submission	Applicant Comment	Officer Comment
I have given the above planning application thoughtful consideration and have reluctantly decided that I must lodge an objection on the grounds of concern over parking and chronic traffic congestion at the southern end of Grange Street. Problems here are not new and have only recently been eased by parking restrictions in the Street. Despite this welcome advance a difficulty has remained at the intersection with Stirling Highway.	<b>Increasing the parking allocation on the premises of 395 Stirling Highway</b> The purpose of the application is to increase the parking permitted on the premises to accommodate the occupants of 395 Stirling Highway entirely on the grounds so that will be no increase in street parking.	Objection noted – see comments on details below.
The reasons for this are that a short section of Grange Street at the extreme south end of the	<b>U-turns off Stirling Highway</b> I sympathise with the resident as I too am directly impacted by	Noted. The Town is aware of the resident's concerns regarding U-turns at Grange



<p>road permits (and encourages) motorists using the Stirling Highway to do U-turns into Grange Street, and then straight out again into the highway (when they can). This happens throughout the year but tends to be more frequent during the school terms especially in mornings and mid-afternoons.</p> <p>The problem is compounded by the fact that residents of moderate-density strata units on the eastern side of Grange Street south park vehicles close to the point at which this end of the street changes width and this just happens also to be where 2 cross-over driveways (in addition to a third belonging to the applicant) provide entry and exit to properties on the West side of the road. Then, when service vehicles try to get through there is just no room left. It is hard to see how this end of Grange Street can accommodate extra parked cars resulting from more consulting doctors, their ancillary staff and patients.</p> <p>It must be emphasised that Grange Street is a residential street throughout and continues as a narrow single carriageway, via a "dog-leg" and stop sign, across an equally narrow residential Kingsmill Street., down to Barnfield Avenue, which itself has limited egress, soon to get worse when the</p>	<p>U-turns off Stirling Highway.</p> <p>The application to increase the parking allocation on the premises of 395 Stirling Highway will have no impact on motorists using Stirling Highway who choose to perform a U-turn at Grange Street from Stirling Highway.</p> <p>This can only be changed by specific prohibitions or roadway modifications.</p> <p><b>Grange Street residents parking on Grange Street</b></p> <p>I am also aware that residents of the moderate-density strata units on the south eastern side of Grange Street park their vehicles close to the point at which the street changes width.</p> <p>The application to increase the parking allocation on the premises of 395 Stirling Highway will have no impact on residents on the opposite side of the road who choose to park their cars on the road outside of their properties.</p> <p>As long as they are complying with local parking by-laws my understanding is that they may park their vehicles there if they choose.</p>	<p>Street. This situation occurs due to an existing median strip along Stirling Highway at the Corry Lyn Road, resulting in drivers turning west onto Highway and entering Grange Street in order to turn around and proceed east on Stirling Highway. This is in addition to similar movements resulting from vehicles leaving the adjacent MLC Highway entry/exit when right turning movements onto the Highway are congested. The issue at Grange Street should be alleviated in the future once MRWA plans for Stirling Highway are finalised, which indicate the continuation of a median strip along the Highway to Parry Street.</p> <p>In the interim it is not considered that an increase in the number of consultants and staff on site would cause a significant impact on the current traffic situation.</p> <p>Noted. Parking on Grange Street is controlled by parking restrictions. It is not considered the increase in the number of consultants will have a significant impact on parking on the street given the intention of the current application is to ensure the staff and visitors to the site have the ability to park on site.</p>
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Swanbourne bridge works start.		
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A full copy of the submission is attached to this report (R Attachment 2).

## Discussion

### Description

The application proposes increasing the number of marked car parking bays on site from nine to 11, in order to allow for an increase in the number of occupants from four to six. The proposal will increase the number of consultants from two to four, along with two administration staff.

### Non-Conforming Use

The property is partially zoned Residential, partially MRS PRR and partially unzoned due to the gazettal of the reduced MRS PRR. The portion of unzoned land is proposed to be included in the Residential zone under LPS3 Amendment No. 136, currently with the WAPC for final approval. Consulting Room is an 'X' (not permitted) use within the Residential zone, however the property enjoys non-conforming use rights as the land use was approved as an SA (Special Approval) use in 1991, prior to the gazettal of LPS3.

Clause 24 LPS3 contains the provisions for non-conforming uses. Other than by reference to cl.24(3) below, cl.24 is silent on the power to alter, extend or intensify a non-conforming use. Given the restrictions placed on the 1991 approval, Development Approval is required in this instance to increase the number of occupants on site. As the Scheme does not expressly limit the intensification of a non-conforming use, the current application to increase the number of practitioners can be considered. Cl.24(3) allows for the non-conforming use to be intensified or extended into new or extended buildings, so long as the buildings are not unlawful, with the clause specifically referring to the building work being "in furtherance of such non-conforming use". As no new construction is proposed, this clause allows for Council to consider the application.

### Car Parking

Under LPS3 Table 2 – Development Table, Consulting room has a requirement for one bay for each 30m<sup>2</sup> of gross leasable area (GLA) plus one for each person employed.

The GLA for the building is 221.5m<sup>2</sup>, which requires 7.38 bays. The proposal for two administration staff and four consulting staff increases the total parking requirement to 13.38 (13) bays.

LPS3 cl.31A(2) allows for the Town to apply car parking concessions in accordance with the options provided and where appropriate. In this instance the Town may apply the following concessions:

- 5% for proximity to a high frequency bus stop. Buses run regularly on Stirling Highway, and it is likely that staff and / or visitors would utilise their services.
- 5% for heritage conservation. It is noted the building has a high GLA due to its being a heritage building and having larger rooms and foyer / waiting areas than would usually be seen in a modern consulting room. The current owner has also restored the building, both internally and externally, and is an example of one of the better conserved places on the Town's Heritage List.

- 5% for ten bicycle bays and end of trip facilities being provided in accordance with LPP127 – Bicycle Parking and Facilities, however with regard to ‘end of trip facilities’ LPP127 only requires these for non-residential development in excess of 400m<sup>2</sup> Gross Floor Area (GFA). If taken into account, in this instance LPP127 only specifies one bicycle parking bay to be provided on site. The site currently contains a secure bike store which can accommodate more than ten bikes, well in excess of what LPP127 recommends. Where visitors or staff ride bikes to the premises they can be stored within the bike store, or parked on the wide front veranda. Notwithstanding, the existing building includes a unisex shower and locker to provide ‘end of trip facilities’ for cyclists (staff most likely). LPP127 also encourages separate male and female showers, however given the GFA is less than 400m<sup>2</sup> the policy does not strictly apply in this instance, therefore the single unisex shower is considered acceptable.

Applying the 15% concessions (13.38 x 0.85) would reduce the number of bays required to 11.373, which is rounded down to 11 bays in accordance with LPS3 requirements, as proposed in the application.

The neighbouring landowner raised concerns regarding traffic and on street parking. The modest increase in the number of occupants is unlikely to have any significant impact on existing conditions. The application of allowable concessions to the car parking standards are also unlikely to significantly impact on traffic and parking conditions, as the concessions are based on availability of other forms of transport. The same condition as the original 1991 restricting hours of operation can be included on any approval, to minimise potential conflict with the residential traffic and parking on Grange Street.

It is noted that six of the proposed parking bays do not ordinarily comply with the current Australian Standards. There are four tandem bays proposed, however the two end tandem bays can be supported where they are specifically allocated as staff car parking. Two of the bays also are adjacent to an under-width accessway and have a shallower depth (being partially over a low landscaped area), however can be supported on the basis they have greater width to allow for earlier turning movement into and from the accessway (and as they can physically operate). It is also recommended these bays be allocated for staff parking (resulting in four dedicated staff bays). A condition can be included on any approval that the bays be marked for staff parking only.

### **Financial and Staff Implications**

While it is expected the GRV (Gross Rental Value) of the property will increase as a result of the increased size, it is difficult to estimate its quantum and therefore the impact on rate revenue.

### **Policy and Statutory Implications**

Nil.

### **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 approval be granted subject to the conditions in the officer's recommendation.

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Mews, seconded Cr Goetze**

**THAT Council grant Development Approval expansion of the existing non-conforming use consulting rooms at Lot 11 (395) Stirling Highway, Claremont, to accommodate four consultants and two administration staff together with modifications to the parking arrangements on site subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2019.00007), as amended by these conditions.**
- 2. A minimum of eleven car parking bays being provided on the site marked in accordance with the approved plan to the satisfaction of the Town of Claremont.**
- 3. Not more than four practitioners and two other employees to be engaged in any of the uses falling within the definition of Consulting Rooms on these premises at any one point of time.**
- 4. The premises are not to be used for the purpose of Consulting Rooms on a Saturday, or a Sunday, or between the hours of 6:30pm and 8:00am.**
- 5. No direct vehicular access to Stirling Highway being provided.**
- 6. Car parking bays S1 to S4 shall be marked as dedicated staff parking only to the satisfaction of the Town of Claremont.**
- 7. Ten bike parking bays shall be provided on site to the satisfaction of the Town of Claremont.**

**Advice Notes:**

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, 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:** 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 plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to 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:
  - i. Before 7.00am or after 7.00pm Monday to Saturday inclusive;  
or
  - ii. On a Sunday or on a public holiday.

CARRIED(51/19)  
(NO DISSENT)

### 13.3 PEOPLE AND PLACES

#### 13.3.1 CONCEPT DESIGN AND COSTING FOR MCKENZIE PAVILION

<b>File Ref:</b>	<b>COP/00084</b>
<b>Attachments:</b>	<a href="#">McKenzie Pavilion Concept Design Report (Restricted Attachment 1)</a> <a href="#">McKenzie Pavilion Detailed Costing Report (Restricted Attachment 2)</a>
<b>Responsible Officer:</b>	<b>Liz Ledger</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Liz Ledger</b> <b>Chief Executive Officer</b>  <b>Cathy Bohdan</b> <b>Director People and Places</b>
<b>Proposed Meeting Date:</b>	<b>21 May 2019</b>

#### Purpose

Is to provide Council the Concept Design and Costing Reports for the McKenzie Pavilion Redevelopment for endorsement, and to authorise administration to progress with the next stages of the project including Detailed Design.

#### Background

At the Ordinary Council Meeting on 18 December 2019, Council approved the transfer of \$35,000 from Building Reserves to the 2018/19 operational budget for the engagement of a consultant to develop a concept design and cost estimate for the redevelopment of McKenzie Pavilion. At this meeting, Council also approved for the consultant brief to come to Council for consideration before the contract is awarded.

As result, the Town coordinated the following:

DATE	ACTION
18 Dec 2018	Council approves the transfer of \$35,000 from Building Reserves to the 2018/19 operational budget for the engagement of a consultant to develop a concept design and cost estimate for the redevelopment of McKenzie Pavilion.
5 Feb 2019	Council approves the consultant brief and scope of works for the McKenzie Pavilion Redevelopment project for the engagement of a consultant to develop a concept design and cost estimate.
11-22 Feb 2019	Request for Quote advertised.
27 Feb 2019	Slavin Architects awarded the contract.
1 Mar 2019	Initial start-up meeting between the Town and Slavin.
14 Mar 2019	Slavin Architects and the Town hold a consultation session with representatives from the current facility lessees; Westside Wolves and Claremont Nedlands Cricket Club.
18-22 Mar 2019	Slavin consulted with potential community user groups.
29 Apr 2019	Town receives the 1 <sup>st</sup> draft of the Concept Design and presents it to Hockey and Cricket Club representatives, then to Elected Members at Forum.
14 May 2019	Final Concept Design presented to Club representatives with final design and costings report be presented to Council at OCM 21 May 2019.

## Discussion

Following their engagement, Slavin undertook the process outlined below, as per the approved brief.

1. Assessment of the site, existing facilities, previous plans, designs and other relevant documentation to ensure adequate understanding of the project history, context and background, as well as the operational requirements of the clubs including the addition of change rooms to accommodate female participation.
2. Consultation and engagement with project stakeholders to refine the design brief and ensure all parameters and requirements are understood to maximise community benefit and value for money in the building designs.
3. Concept design and cost estimate (from a qualified quantity surveyor) for budget and grant application purposes.
4. Exploration of the option of refurbishment of the existing facility versus full redevelopment and present the best option that meets the objectives as the preferred option. (Please refer to 'Financial & Staff Implications section within this report).

The result that has been produced by Slavin Architects for the McKenzie Pavilion Redevelopment provides a modern, safe and inviting multi-purpose facility that meets the operational needs of the sporting user groups and provides a functional community space for the greater Claremont community. *(Please refer to Restricted Attachment 1 – McKenzie Pavilion Concept Design Report).*

As per the project brief, the Concept Design been based on the requirement to stay within the overall current footprint of the facility, however the architects have been able to offer more facility space to the amount of 83sqm. This increase can be found in the following areas:

- Multipurpose space (clubroom) by 30sqm by removing the bar from the floor area and placing in a new, adjacent location;
- Increasing the size of each change room from 33sqm to 50sqm to meet Australian Building Code (NCC) standards;
- Increasing the space dedicated to player amenities from 30sqm to 48sqm;
- Increasing the size of the male and female public toilets to accommodate compliant fixture provisions;
- Providing additional facilities not currently provided for: chair store, office, umpires room, first aid room and adult change facility.

(Please note: the above addresses the Town's and the Clubs original requirements for a new facility.)

Other improved features are:

- The addition of change rooms to accommodate female participation.
- A covered canopy has been designed to offer shelter from the carpark to the front door.
- All existing amenities have also been brought up to code – including universal accessibility, toilet provisions and minimum insulation requirements.
- 122sqm of covered external deck at floor level as well as 288sqm of flat grass with optimum oval views in the terraced space and allows for disability access.

While Administration is very satisfied that the concept design has met and in some cases exceed the requirements of the brief, the Cricket & Hockey Clubs have expressed concerns, in particular, in the following areas:

#### Increased storage

The sporting clubs have responded that the storage space in the new design is insufficient, as they have a large amount of items that need to be appropriately stored all year round (in each of their off season).

*Officer Comment: Additional storage has been a consideration with accommodation made for a cleaner's cupboard, external bin store and additional storage outside the change rooms. The change rooms also allow for storage within them, as the 'home' change rooms have lockers/storage behind the bench seating.*

*Furthermore, as this is a multipurpose facility for the whole community to utilise, the facility should not necessarily provide 'all year round' storage for a user with a potential 6 month lease.*

#### Multipurpose Area

The two sporting clubs feel that the new multipurpose area (Clubrooms) is inadequate.

*Officer Comment: The proposed multipurpose area allows for 100 persons seated and 150 standing. The concept design has increased the current area by 30sqm, and has been designed as a function space for community purpose, rather than a commercial function centre.*

#### Bar Area

The two sporting clubs have requested that the bar area is swapped over with the kitchen, so the bar service can be accessed from outside the venue.

*Officer Comment: The layout of the kitchen and bar in the concept design prioritises junior sports by linking the kitchen to the alfresco area. Swapping over the kitchen with the bar places the bar as the front of the facility, and makes alcohol the focus.*

Please note any further amendments to the Concept Design will require additional funding.

### **Past Resolutions**

Ordinary Council Meeting 5 February 2019, Resolution 08/19:

*That Council:*

*Approves the consultant brief and scope of works for the McKenzie Pavilion Redevelopment project for the engagement of a consultant to develop a concept design and cost estimate.*

**CARRIED  
(NO DISSENT)**



Ordinary Council Meeting 18 December 2018, Resolution 239/18:

*That Council:*

*Approves the transfer of \$35,000 from Building Reserves to the 2018/19 operational budget for the engagement of a consultant to develop a concept design and cost estimate for the redevelopment of McKenzie Pavilion.*

**AMENDMENT**

*Moved Cr Kelly, Seconded Cr Haynes*

*That the consultant brief come to Council for consideration before the contract is awarded.*

*Reason: That the scope of work is clarified.*

**CARRIED  
(NO DISSENT)**

**THE AMENDED PRIMARY MOTION WAS PUT**

*That Council:*

- 1. Approves the transfer of \$35,000 from Building Reserves to the 2018/19 operational budget for the engagement of a consultant to develop a concept design and cost estimate for the redevelopment of McKenzie Pavilion.*
- 2. The consultant brief come to Council for consideration before the contract is awarded.*

**CARRIED BY AN ABSOLUTE MAJORITY**

**Financial and Staff Implications**

The Concept Design has been costed at \$2,487,866 million (*please refer to Restricted Attachment 1 – McKenzie Pavilion Concept Design Report*). In addition, there is the estimated cost of \$50,000 to engage a company to undertake the Detailed Design phase of the project. This brings the project total to \$2,537,866 million.

The proposed funding model is outlined in *Table 2: Proposed Funding Model McKenzie Redevelopment*.

Table 2: Proposed Funding Model McKenzie Redevelopment

FUNDING BODY	AMOUNT	APPROVED
Federal Grant – Communities Development Grants Program	\$1,000,000	Confirmed
Town of Claremont	\$900,000	<u>Confirmed</u> Reserves \$365,000 <u>Proposed</u> Muni \$235,000 Loan \$300,000
Community Sporting and Recreation Facilities Fund (CSRFF) – Department of Local Government, Sport and Cultural Industries	\$487,866	Not confirmed. Application due September 2019
Westside Wolves Hockey Club	\$75,000	Verbally committed
Claremont Nedlands Cricket Club	\$75,000	Verbally committed but only be made if they are satisfied with the rebuild
<b>TOTAL</b>	<b>\$2,537,866</b> exc GST	<b>\$1,365,000 confirmed</b>

As part of the brief, Slavin were required to produce two costings;

1. A complete demolish and rebuild of the Pavilion versus
2. A partial demolish and rebuild.

The detailed costings revealed that a partial demolish would save \$130,000 and not comprise on the building outcomes. *(Please refer to Restricted Attachment 2 – McKenzie Pavilion Detailed Costing Report).*

To progress the detailed design, a tender process will be undertaken to appoint a contractor for construction, with construction proposed to commence in 2020/21.

If the Town does not secure the unconfirmed funding identified above, Council will need to consider alternative options for the direction for the project.

This project currently requires Officers' time in managing the project.

### Policy and Statutory Implications

Nil.

### Communication / Consultation

Consultation for this project has involved workshops and ongoing communication with the current lessees, as well as engaging with other potential community users. This has enabled Slavin to develop a community focused facility. *(Please refer to Restricted Attachment 1 McKenzie Pavilion Concept Design Report pages 5-8).*

Broader community consultation will be conducted with Town of Claremont residents and as we move through the detailed design phase.

## Strategic Community Plan

### Liveability

*We are an accessible community, with well-maintained and managed assets, and our heritage preserved for the enjoyment of the community.*

- Maintain and upgrade the Town's assets for seamless day to day usage.

### People

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

- Effectively manage and enhance the Town's community facilities in response to a growing community.
- Provide opportunities for local community groups that supports their capacity and ongoing sustainability.
- Promote and encourage an active lifestyle through supporting local community clubs, groups and recreation / leisure facilities.

### Urgency

The timing of this is urgent to allow:

- Consideration of funds in the 2019/20 Draft Budget
- Preparation of an application to the CSRFF
- Procurement process to engage a consultant to undertake the Detailed Design stage.

### Voting Requirements

Simple majority decision of Council required.

## OFFICER RECOMMENDATION

**Moved Cr Main, seconded Cr Haynes**

**That Council:**

1. **Approves the Concept Design, Costing and proposed funding model;**
2. **Approves the progress of a Funding Application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund.**

## AMENDMENT

**Moved Cr Mews, seconded Mayor Barker**

**That the Claremont Nedlands Cricket Club and Westside Wolves Hockey Club provide documentation by way of bank guarantee that the amount of \$75,000 each will be paid when called upon to do so by the Town of Claremont.**

Reason: So that the Town of Claremont's funding model is secured.

**CARRIED(52/19)  
(NO DISSENT)**

**THE AMENDED PRIMARY MOTION WAS PUT****That:**

- 1. Council approves the Concept Design, Costing and proposed funding model;**
- 2. Council approves the progress of a Funding Application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund.**
- 3. The Claremont Nedlands Cricket Club and Westside Wolves Hockey Club provide documentation by way of bank guarantee that the amount of \$75,000 each will be paid when called upon to do so by the Town of Claremont.**

**CARRIED(53/19)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Cr Haynes reported on the floating platforms for birdlife at Lake Claremont.

Cr Franklyn and Cr Goetze reported on their attendance at the Citizenship ceremony.

Cr Main reported on her attendance at the Mother’s Day market.

Cr Kelly reported on his attendance at the WALGA State Council meeting hosted by Central Zone at the City of Perth.

**15 ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

NIL

**16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING 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 4 June 2019, at 7:00PM.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:45 PM.

Confirmed this ... .. day of ... .. 2019.

**PRESIDING**