



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 15 MARCH, 2016**

**Stephen Goode**

**CHIEF EXECUTIVE OFFICER**

**Date:**

## **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**  
**15 MARCH, 2016**  
**MINUTES**

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

His Worship the Mayor, Mr Jock Barker, welcomed members of the public, staff and Councillors and declared the meeting open at 7:00PM.

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

**ATTENDANCE**

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Jill Goetze**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate and Governance)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Ms Katie Bovell (Governance Officer)**

**No members of the public**

**Two members of the press**

**APOLOGIES**

Cr Kate Main (Leave of Absence)

**3 DISCLOSURE OF INTERESTS**

NIL

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

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

NIL

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Wood, seconded Cr Mews**

**That the minutes of the Ordinary Meeting of Council held on 1 March 2016 be confirmed.**

**CARRIED(36/16)  
(NO DISSENT)**

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

17.1.1, Waste Recycling Collection Service Contract Renewal.

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

NIL

**12 REPORTS OF COMMITTEES**

NIL

**13 REPORTS OF THE CEO****13.1 PLANNING AND DEVELOPMENT****13.1.1 HERITAGE SCHEDULE – FURTHER CONSIDERATION**

**File Ref:** DAB/00027

**Attachments - Public:** [Ronald Bodycoat Report](#)  
[Heritage Planning Legislation](#)

**Attachments - Restricted:** [Submission](#)

**Responsible Officer:** David Vinicombe  
Executive Manager Planning and Development

**Author:** Odhran O'Brien  
Heritage Officer

David Vinicombe  
Executive Manager Planning and Development

**Proposed Meeting Date:** 15 March 2016

**Enabling Legislation:**  
Town Planning Scheme No. 3 (TPS3)  
*Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*  
Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts (LPP 2/2015)

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*Item 13.1.1 was withdrawn by the CEO.*

### 13.1.2 STIRLING HIGHWAY HOUSING STUDY

<b>File Ref:</b>	<b>LND/00089</b>
<b>Attachments – Restricted:</b>	<a href="#">Planning for Increased Residential Density along Stirling Highway Report</a> <a href="#">Draft Local Planning Policy – Stirling Highway – Draft Design Guidelines</a> <a href="#">Concept plans for “street wall” development of property in Eastern Highway Precinct</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>15 March 2016</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b><i>Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i></b> <b>Housing Capacity Study 2013</b> <b>Residential Design Codes (RDC)</b> <b>Town Planning Scheme No. 3 (TPS3)</b>

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#### **Purpose**

For Council to adopt the draft ‘Planning for Increased Residential Density along Stirling Highway’ study (SH Study) for public consultation as a Local Development Plan to guide the development of a Structure Plan / Activity Centre Plan for the town centre (and adjacent land), a TPS3 scheme amendment, Local Planning Policy and development of land along Stirling Highway.

#### **Summary**

- Council’s Housing Capacity Study (2013) recommended that the Town prepare a study into increasing residential density along Stirling Highway to address the Town’s long term obligations to meet State Government objectives for urban consolidation, while at the same time protecting the single residential streetscape and heritage characteristics of the Town.
  - The Town appointed Planning Context to prepare the SH Study in 2013.
  - The SH Study analyses the potential for increased residential density on land adjoining Stirling Highway.
  - Four development models have been prepared for Council consideration as a Local Development Plan to guide the preparation of an amendment to TPS3, a Local Planning Policy and associated Structure Plan / Activity Centre Plan.
  - The models analysed in the SH Study include Progressive (1530 additional dwellings), Modest (1198-1339 additional dwellings), Conservative (1048-1263 additional dwellings) and Staged (1218-1322 additional dwellings).
  - It is recommended that the Staged model be adopted for the purpose of public consultation. This model proposes:
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- R100 for the Eastern Highway Precinct
- R-AC0 for the Central Town Centre Precinct
- Retention of the current density codings (R30 and R40) and no changes for the Western Residential Precinct to preserve long term development opportunity into the next century.
- The SH Study contains recommendations for a detailed TPS3 amendment and Local Planning Policy proposals (subject to separate consultation). These proposals are to be finalised following initial public consultation on the SH Study and its final adoption by Council as a Local Development Plan.
- Recommended that Council adopt the Draft 'Planning for Increased Residential Density along Stirling Highway' study for public consultation as a Local Development Plan, noting the preference for the "Staged" option plus inclusion of the "designated landmark" site at the north western corner of Stirling Highway and Stirling Road and also the St Louis village site.

### **Past Resolutions**

In November 2012, Council adopted the Housing Capacity Study to identify constraints and opportunities relating to the housing targets including Directions 2031 (and beyond) and the Draft Central Metropolitan Perth Sub-Regional Strategy (CMPSS).

Ordinary Council Meeting 20 November 2012, Resolution No. 221/12 includes the following pertinent extracts:

*That Council resolve as follows:*

1. *To adopt the Draft Housing Capacity Study 2012 for the Town of Claremont for inclusion in the review of the Town of Claremont's Local Planning Strategy 2010 – 2025, Clearly Claremont.*
2. *The Town of Claremont work toward implementing the 12 recommendations contained in the Housing Capacity Study 2012 as follows:*
  - 2.7 *Council lead in progressing a suitable commercial and residential zoning and density coding along Stirling Highway to ensure that in drafting a Local Scheme Amendment to reflect Metropolitan Region Scheme Amendment 1210/41, consideration be given to the introduction of a split form of R Coding such as R40/R80 and a strong set of scheme provisions, policies and design guidelines are introduced to control redevelopment and protect local heritage sites and the amenities of lower density surrounding areas.*
  - 2.8 *Council prepare an Activity Centre Structure Plan for the Claremont Town Centre which includes provisions encouraging additional residential dwellings including mixed use developments and give consideration to the creation of additional opportunities for residential development in walkable catchment of the Town Centre once formally defined.*

*CARRIED  
(NO DISSENT)*

## Discussion

### The Stirling Highway Activity Corridor Study

The Stirling Highway Activity Corridor Study (SHACS) is an integrated transport and land use planning study being undertaken by the Department of Planning (DoP) at the request of the Western Australian Planning Commission (WAPC) and consists of two inter-related and staged studies:

- Phase 1: A preliminary carriageway design for Stirling Highway (MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation).
- Phase 2: A staged urban design and form based code study to guide built form and redevelopment opportunities in a sustainable planned manner (yet to be progressed).

MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation generally shows a reduction of the Primary Regional Road (PRR) reservation to approximately 40 metres in width with the balance of the land proposed to be rezoned as Urban (and Parks and Recreation for a small section between Bay View Terrace and Bernard Street).

Officers from the DoP initially indicated that a decision from the Minister for Planning on the proposed amendment is expected around mid-2014 following consideration by the WAPC – this decision is still pending and it is unknown when the MRS amendment will be finalised.

When MRS Amendment No. 1210/41 is gazetted, land no longer affected by the PRR reservation will be zoned Urban under the MRS but will remain unzoned under TPS3 until such time as a zone (and density codings) are added by way of a scheme amendment.

It is considered appropriate that Council takes the initiative to develop its own set of design guidelines and other planning tools rather than await finalisation of Phase 2 of SHACS.

This report has been based on the proposed extent of the Stirling Highway reservation as shown in the MRS Amendment No. 1210/41 plans advertised for public comment, together with the remaining parcels of land which are presently zoned or reserved under TPS3.

### State Government Direction

The State Government has prepared a number of strategies to promote a balance between urban growth on the fringe and consolidation within the existing urban fabric of the metropolitan area. In recent times, the following strategic directions have been prepared, inclusive of Directions 2031 (and beyond), Draft Central Metropolitan Perth Sub-Regional Strategy, Directions 2031 (and beyond) - 2014 Report Card and Perth & Peel @ 3.5 Million (draft). The expectation is that local government (Town of Claremont included) will take positive action to support this direction and it is likely that the government will require changes to any proposals where they are not seen to be supporting these growth strategies.

### Directions 2031 (and beyond)

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Directions 2031 seeks to support a more compact and environmentally sustainable city and recognises that Perth needs to use land and infrastructure in an efficient manner and manage the expansion of urban zone in balance with infill development.

#### Draft Central Metropolitan Perth Sub-Regional Strategy

The Draft Central Metropolitan Perth Sub-Regional Strategy (CMPSS) was prepared by the WAPC to provide guidance at a local level for issues that are too complex to resolve in detail in Directions 2031 (and beyond), and/or extend beyond local government boundaries. Under this framework, the expected growth for the Town of Claremont includes a projected housing target increase of 2,200 new dwellings by 2031.

In the CMPSS, the Stirling Highway Growth Corridor is identified to have a potential for an additional 1400 dwellings with possibly up to 400 of these dwellings in Claremont. The updated housing target for the Town of Claremont is an additional 760 dwellings by 2031 (250 by 2011-16; 180 by 2016-21; 180 by 2021-26; 150 by 2026-31).

#### Directions 2031 – Report Card (2014)

The State Government released an annual report card as a snapshot of the progress of state and local government achievements relating to Directions 2031 (and beyond). The 2014 Report Card identifies that the key positive trends in 2013 were:

- An increase in gross urban zone dwelling density across Perth and Peel of 4.5%.
- A continuing decrease in residential lot sizes.
- The stability of overall house affordability.
- An increase in residential densities in all activity areas.
- A significant increase in tourist accommodation (hotel) development within the Perth area.
- The continued adequate supply of zoned undeveloped land in Perth and Peel to cater for future growth for more than 35 years.

Directions 2031 (and beyond) identified an infill dwelling target of 250 dwellings for the 2011-2015 period. The Report Card acknowledges that only two Local Governments are considered to be ahead of their targets, being Claremont and Kwinana, with Claremont having achieved approximately 50% of its target.

It has been previously identified that the North East Precinct (NEP) development will achieve a large percentage of Claremont's infill targets, however as recommended in the Housing Capacity Study, the Town should investigate opportunity for increased density around high frequency transport routes, train stations and activity centres to provide protection to the Town's heritage housing stock and the attractive tree lined streets of its predominant single residential housing areas.

### Perth & Peel @ 3.5 Million (2015 draft)

The draft Perth & Peel @ 3.5 Million proposes that the Town to accommodate 1300 additional dwellings in the Town by 2050. This target appears to include the Directions 2031 Report Card target of 760 dwellings, but is less than the original target of 2200 contained in the Directions 2031 and beyond / CMPSS proposals.

Discussions with the DoP when finalising the Housing Strategy for the Town indicated that the base (before Directions 2031 / CMPSS) calculation included 630 dwellings in the NEP. It is envisaged that with increased development yields (22-25%) at the NEP, 1000 dwellings will be accommodated within that development alone (370 dwellings more than the base 630 dwellings). It is therefore estimated that the revised future growth target for the Town of 1300, will consist of:

- 370 in the NEP
- 930 elsewhere.

### Draft 'Planning for Increased Residential Density along Stirling Highway' Study

The following details are extracted from the consultant report (attached) prepared by Planning Context for the Town in regards to increasing densities along Stirling Highway.

#### *Study Area*

The study area includes land on both sides of Stirling Highway, within the Town of Claremont boundaries generally to a depth of the largest existing lot within each street block and following cadastral boundaries. The only exception is in the town centre where the study area includes the entire street block back to St Quentin Avenue. The study area contains 146 properties and has been separated into three distinct precincts including:

1. Western Residential Precinct (generally land on both sides of the highway west of Stirling Road typified by uses of a residential nature and two private school campuses, with a noticeable absence of commercial activity).
2. Central Town Centre Precinct (generally land on both sides of the highway between Stirling Road and Mary Street comprising of retail, commercial and civic activity).
3. Eastern Highway Precinct (generally land on both sides of the highway east of Mary Street and is a mix of other commercial-type activity traditionally associated with strip highway development, with some interspersed residential activity apparent).

#### *Methodology*

Following review of available background information (for example heritage listings, previous studies, proposed road reservations, height data, land contours, existing development) and identification of the notional study area, an on-site assessment and photography of building stock was undertaken to determine the likelihood and timing of redevelopment in the foreseeable future.

Assessment criteria included a range of factors including lot and building features, ownership and development, heritage significance, access to a rear lane and train station.

These elements were considered as being either likely to encourage or present some challenge to redevelopment in the short to medium term and scores were applied to each category accordingly to determine the potential of land for redevelopment. Based on the assessment scores, analysis maps were prepared to determine potential 'hot spots' for likely future development activity.

It is noted that the investigations into the development potential of the properties within the study area did not include any liaison or consultation with existing land owners to determine their development intentions or desires for each property.

### *Outcomes*

An assessment of each property was undertaken within the study area to determine the likelihood and timing of redevelopment in the foreseeable future using a range of factors considered as either likely to encourage or be more challenging for redevelopment, and scores were applied to each category accordingly. Assessment factors included:

- Corner lot
- Vacant lot
- Length of frontage
- Lot size
- Access to rear lane
- Number of owners/tenants
- Significant business operation
- Condition of building stock
- Age of building stock
- Heritage listing/significance
- Significant trees on site
- Views/potential views from upper levels
- Less than 800 metres to train station
- Site slope
- Residential dwellings to the south
- Institutional or civic use.

Some of the more interesting factors of note from the analysis are outlined as follows:

- The SH Study area consists of 146 properties.
- There are 56 corner lots within the study area.
- There is limited vacant land in the study area, with only four lots currently undeveloped.
- 37 properties have access to a rear laneway; however, most of these are in the central or eastern section of the study area with a distinct lack of laneway access in the western section.
- Approximately half of the properties are owned by single landowners; however, there are 25 properties that are owned by five or more landowners.

- Most of the existing development in the study area is of fair to good quality; however, 26 properties are identified as having building stock of poor quality.
- 20 properties are affected by a heritage listing.
- Many properties (43) located in the western and central sections of the study area have the potential to obtain views across the surrounding neighbourhood (some with potential ocean or river views) or across parkland or playing fields, whereas views are highly unlikely within the eastern section of the study area.
- There are 13 sites where more than one tree of significant size and/or species exists.
- All properties (except six) within the study area are within 800 metres of a train station.
- Approximately half of the properties in the study area are characterised by at least a slight change in level from the Stirling Highway road pavement.
- 68 properties, mostly all of which are located on the southern side of the highway, have residential development located to the south.

### *Density modelling*

The suggested density coding contained in the SH Study were developed through a process that worked back from the built form. In other words, the process was place-based rather than simply a numerical exercise. The process consisted of the following steps:

1. Controls for each precinct based on best practice urban design principles.
2. Identification of sites which were most likely to be redeveloped in the foreseeable future.
3. Building a 3D computer model of the identified sites using the preliminary set of built form controls as a guide.
4. Refining the 3D building models where there was room for improvement in the resultant built form.
5. Interrogating the 3D model to determine the extent of residential and commercial plot ratio floorspace for each identified site and calculating the average plot ratio for each precinct.
6. Dividing the residential plot ratio areas by a typical apartment floorspace to calculate the theoretical dwelling yield.
7. Identifying the R-Coding that best matches the average residential plot ratio for each precinct and then recalculating the dwelling yield based on the plot ratio for those R-Codes.

This approach ensures that there is a good match between the chosen R-Code and an appropriate built form for each precinct.

### *Density Options*

The SH Study contains modelling at recommended densities and which was applied only to those properties identified as more likely to be developed in the study area. Four options are presented and analysed for the three precincts as detailed below. It is noted that total yields include an allowance of approximately 400 dwellings for the Amana (Sundowner) site, which has been the subject of a separate amendment to TPS3:

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1. Progressive  
Western Residential Precinct – R80  
Central Town Centre Precinct – R-AC0  
Eastern Highway Precinct – R100  
Total dwelling yield – 1,130 (plus 400 for Amana) – 1530
2. Modest  
Western Residential Precinct – R60  
Central Town Centre Precinct – R-AC0  
Eastern Highway Precinct – R80  
Total dwelling yield – 939 (plus 400 for Amana) – 1339  
Note – taking into account the reduced incentive to develop, yield may be reduced to 798 (plus 400) - 1198
3. Conservative  
Western Residential Precinct – R40  
Central Town Centre Precinct – R-AC0  
Eastern Highway Precinct – R60  
Total dwelling yield – 863 (plus 400 for Amana) – 1263  
Note – taking into account the reduced incentive to develop, yield may be reduced to 648 (plus 400) - 1048
4. Staged (as per progressive for Precincts B and C)  
Western Residential Precinct – No change (retain R30 and R40)  
Central Town Centre Precinct – R-AC0  
Eastern Highway Precinct – R100  
Total dwelling yield – 922 (plus 400 for Amana) – 1322  
Note – taking into account the reduced incentive to develop, yield may be reduced to 818 (plus 400) - 1218

It is proposed that the R-AC zone (as referred to at times in the SH Study) be classed as R-AC0 which requires preparation of a Structure Plan (or possible Activity Centre Plan) to guide development.

The consultants recommend the Progressive model as the most desirable and viable option for the following reasons:

- It provides sufficient incentive, flexibility and viability for landowners to initiate development.
- It is more likely to result in higher quality development.
- Lower densities may pose risk of seeing less redevelopment occur, or seeing interim development in a form that may be of lower quality.
- It more than satisfies the State Government's housing target well into the future.

To support the recommendation for the Progressive model, the SH Study includes a detailed assessment of TPS provisions and makes specific recommendations for a scheme amendment and Local Planning Policy Design Guidelines. These proposals are detailed in the SH Study and Draft Design Guidelines (attached). In summary, the requirements outline expectations on land-use and density, plot ratio, access, parking, overshadowing, heights and setbacks, building amenity, fencing, services, heritage, and provide details for proposed scheme amendments to address these matters. In addition, Design Guidelines are recommended to address a number of these issues,

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plus street interface, building form, landscaping and public art and precinct specific objectives and requirements.

Should Council support the Progressive model, the TPS3 amendment and policy proposals would support development of a “street wall” along both sides of the highway with development up to four storeys high, or six storeys for key “designated landmark” corner sites, with an additional two storeys setback 3m from the “street wall” (eight storeys), except in the Town Centre where Structure Plan / Activity Centre Plan requirements will be developed to support specific Town Centre development opportunities; or where development overshadows adjacent residential property or where development on the northern side of the highway overshadows the footpath on the southern side of the highway. Height is also proposed to be restricted to three storey “street walls” (with 3m setback additional two storeys) where development fronts commercial side streets or two storey “street walls” (with 3m setback to an additional one storey) to residential side streets. Development will also be limited to two storeys where a site abuts a residential property not located in the study area.

“Designated landmark” sites are defined as large prominent corner sites including Amana (Sundowner) on the corner Airlie Street as an entry point to the Town from the south; the north western corner of Stirling Highway and Stirling Road as a western entry to the town centre; Bayview Centre on the corner of Leura Avenue as the eastern entry to the town centre; and north western corner of Loch Street as the eastern entry point to the Town. It is noted that the Sundowner site has since been rezoned under TPS3 and requires no further amendment at this point.

Commercial development is proposed to be limited to ground floor corner locations in the Western Residential Precinct to service the precinct, however in order to acknowledge the pre-existing commercial nature of the Central Town Centre and Eastern Commercial precincts, ground floor (and above) commercial development will be required to be maintained with special considerations to accommodate mixed use development.

Preliminary concept plans have been example for a mixed use development in the Eastern Commercial Precinct (see Attachment – Restricted). This (annotated) concept takes into account many of the design concepts proposed by the SH Study and the draft Design Guidelines and illustrates how the “street wall” development may be accommodated within the existing PRR reserve, and how the impact on residential property to the south may be ameliorated within the current “Highway” zone development requirements on height (max. 12m) etc.

### *Assessment of Options*

The SH Study commenced in 2013 following Council’s adoption of the Housing Capacity Study. Council has been briefed by the consultants Charles Johnston from Planning Context, Malcolm Mackay from Mackay Urban Design and administration staff on the development of the SH Study on three occasions, being 18 November 2013, 11 August 2014 and 31 August 2015. The SH Study has been reviewed on a number of occasions by the consultants following comment and review by the Town’s planning staff. The attached version of the SH Study dated December 2013 has been on hold for two primary reasons:

1. Awaiting the outcome of MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation in order to determine the precise land



dimensions for an amendment to TPS3 on the resultant MRS Urban and Parks and Recreation reservation to be applied for sites along the highway.

2. Assessment and consideration of detailed scheme and policy requirements based on the Progressive model.

The DoP and WAPC have given no recent indication when the MRS amendment will be finalised. Accordingly, if an amendment document is progressed at this point in time, it may require significant modification following gazettal of the MRS amendment.

Given that the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) provide for studies of this nature to be adopted as a Local Development Plan, and also as the SH Study is considered to be one of the most important strategic planning documents to be considered by the Town to respond to State Government objectives whilst at the same time protecting the Town's single residential streetscapes and heritage characteristics, it is important that the Council sets clear direction on which model to implement before finalising the scheme amendment and policy proposals. While the SH Study contains highly developed proposals for a scheme amendment and Local Planning Policy relative to the Progressive model, they would require significant review and modification should Council resolve (following consultation and consideration of public submissions) to opt for the Modest, Conservative or Staged model.

Accordingly, this Council report is to consider the preferred model for public consultation of the SH Study as a Local Development Plan prior to progressing with detailed TPS3 amendment, Structure Plan / Activity Centre Plan and Local Planning Policy proposals (all subject to further public consultation procedures).

As indicated above, the SH Study presents a number of models in regards to the density scenarios including Progressive, Modest, Conservative and Staged. The SH Study assesses the advantages and disadvantages of each model as follows:

<b>Model</b>	<b>Advantages</b>	<b>Disadvantages</b>
Progressive	<ul style="list-style-type: none"> <li>• Likely to generate landowner / developer interest in redevelopment</li> <li>• Quick population and rate base growth</li> <li>• Good town centre catchment</li> <li>• Strong prospect for WAPC support</li> </ul>	<ul style="list-style-type: none"> <li>• Community concern over building scale, parking, traffic and the like</li> </ul>
Modest	<ul style="list-style-type: none"> <li>• Less likely to generate development interest in Western Residential Precinct</li> <li>• Modest population and rates base growth</li> <li>• An advance on present town centre catchment</li> <li>• Still likely to gain WAPC</li> </ul>	<ul style="list-style-type: none"> <li>• Community concern over building scale, parking, traffic and the like</li> </ul>

	support	
Conservative	<ul style="list-style-type: none"> <li>• Less community concern about building scale, parking, traffic and the like</li> </ul>	<ul style="list-style-type: none"> <li>• Still some community concern over building scale, parking, traffic and the like</li> <li>• Scale of development too low to stimulate redevelopment</li> <li>• Unlikely to generate landowner/developer interest In redevelopment</li> <li>• Limited additional catchment for the town centre</li> <li>• Unlikely to gain WAPC support</li> </ul>
Staged	<ul style="list-style-type: none"> <li>• Likely to generate landowner / developer interest In redevelopment in the Central Town Centre and Eastern Highway Precincts</li> <li>• Reasonably quick population and rate base growth</li> <li>• Good town centre catchment</li> <li>• Good prospect for WAPC support</li> <li>• Fewer community concerns in the more sensitive Western Residential Precinct</li> <li>• Development focused on areas with mixed use</li> </ul>	<ul style="list-style-type: none"> <li>• Community concern over building scale, parking, traffic and the like</li> <li>• Possible risk that WAPC might not agree to 'staging' approach</li> <li>• Interim development in the Western Residential Precinct may preclude future redevelopment</li> </ul>

It is noted that whichever option is adopted, modifications to TPS3, Council policy and preparation of Structure Plan / Activity Centre Plan will provide guidance on future development requirements to address potential community concerns over building bulk etc. It is also acknowledged that traffic volumes are likely to increase (moderated to a degree by the close availability of improved public transport), however it is likely to do so regardless of the model Council or the WAPC promotes.

As indicated above, the North East Precinct, Stirling Highway and the Transit Orientated Development (TOD) areas surrounding Loch Street and (possibly) Swanbourne Stations are expected to more than accommodate the required housing growth to 2050 - and well beyond; thereby safeguarding the streetscapes and single residential heritage housing stock of the Town well into the next century.

Since the State Government has applied pressure on local government through various strategic planning directions to facilitate increased development within established urban land, and set growth targets, most metropolitan Councils have commenced the preparation of plans to increase residential densities and provide for

redevelopment of existing urban areas. Concern is however acknowledged that the growing opportunity for redevelopment being provided by these plans may well outstrip the current lower growth demands resulting from the economic downturn and decline in the mining sector which drove the initial growth demand. This is likely to result in the market being selective over the location of appropriate development sites and accordingly the better served and most economically viable sites are likely to have the best chance of being developed.

In selecting the most appropriate model for the Town, care needs to be applied to ensure that development of the sites identified in each precinct are viable and that land availability does not outstrip the demand. If such was to occur, the likelihood is that sporadic development along the highway could result with properties in between not being developed and falling into a state of decline and disrepair. The potential for such blight would reduce the overall amenity of the Town and should be avoided.

In consideration of the above matters, the two preferred models are the Progressive and Staged models, both of which provide appropriate incentives for development. It is however recommended that the Council endorse the Staged model which focuses on increasing the density in the Central Town Centre and Eastern Highway Precincts, while retaining the Western Precinct in its current form for future consideration. This option provides for the future proofing of population growth into the next century, while at the same time ensuring that an oversupply of developable land in the foreseeable future does not occur to the detriment of local amenity. A minor variation to this recommendation is the inclusion of the “designated landmark” site at the north western corner of Stirling Highway and Stirling Road and also the St Louis Village site, which is subject to master planning to accommodate long term redevelopment.

It is considered that the Staged option will generate landowner/developer interest in redevelopment in the town centre and the east end of Claremont with a focus on mixed-use development to compliment the town centre. It is likely that the proposed scale of development may be more acceptable to the community in the Central Town Centre and Eastern Highway Precinct compared to the Western Residential Precinct as there is already a mix of uses and built forms.

### **Financial and Staff Implications**

The proposal will provide a strategic direction for Council to consider development of apartments on land abutting Stirling Highway. While the detailed amendment and associated Local Development Plan, Activity Centre Plan / Structure Plan and Local Planning Policies together with consideration of development applications which may result will require considerable staff resourcing, development applications will ultimately be determined by the Metropolitan West Joint Development Assessment Panel on recommendation from Council. Once land has been developed, the final yield will assist Council's rates revenue and the development of community facilities for the betterment of all residents in the Town and the surrounding localities.

## Policy and Statutory Implications

It is appropriate that the SH Study be adopted as a Local Development Plan in order to guide the development of a Structure Plan / Activity Centre Plan for land located in and adjacent to the town centre and to form the basis for an amendment to TPS3 and associated Local Planning Policies, together with providing guidance for interim development approvals for land impacted by the PRR reservation under the MRS.

Parts 4, 5 and 6 of Schedule 2 in the new *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) identifies procedures for the preparation and adoption of Structure Plans, Activity Centre Plans and Local Development Plans. Activity Centre Plans are also required to be developed in accordance with *State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)*.

Part 6 of the RDC sets out the Design Element requirements for Multiple Dwellings in areas coded R40 or greater, within mixed use developments and activity centres. Table 4 of the RDC includes general development standards (plot ratio, minimum open space, setbacks and height requirements), however the R-AC0 coding requires the preparation of a Structure Plan or Local Development Plan to stipulate the general development standards.

It is noted that the former requirements for the preparation of a Structure Plan for and Activity Centre under the RDC and SPP4.2 does not align with the new requirements for an Activity Centre Plan under new LPS Regs. It is understood that this anomaly is currently being addressed by the DoP and the precise process required to implement the R-AC0 development requirements will need to be determined following final adoption of the SH Study as a Local Development Plan and progression towards amending TPS3.

The Town is able to amend its current Town Planning Scheme under section 75 of the *Planning and Development Act 2005*. Scheme amendments are required to be undertaken in accordance with the LPS Regs. The LPS Regs replace the previous *Town Planning Regulations 1967*. The LPS Regs came into effect on 19 October 2015, and all procedural requirements are required to be in accordance with the new LPS Regs.

A Local Planning Policy must be adopted in accordance with Part 2 of Schedule 2 of the LPS Regs, which includes provisions that override Council's previous requirements under TPS3 cl.82.

## Consultation /Communication

The LPS Regs require the following advertising periods to apply to the various statutory processes involved with this proposal:

- Local Development Plan – not less than 14 days (recommend 28 days due to the significance of the proposal).
  - Activity Centre Plan – not less than 14 days and no more than 28 days.
  - Structure Plan - not less than 14 days and no more than 28 days.
  - Scheme amendment – an amendment of this nature would be classed as 'complex' (out of a 3-tier system which includes 'basic', 'standard' and 'complex') and requires a consultation period of no less than 60 days.
-

- Local Planning Policy - minimum period of 21 days.

On conclusion of advertising, Council will be able to consider submissions and determine the final Local Development Plan to inform the development of scheme amendment documentation and an Activity Centre/Structure Plan and a Local Planning Policy to implement the proposals contained in the local Development Plan.

### **Urgency**

Strategy 1.5.3 of the Town of Claremont Corporate Business Plan 2015-2019 requires the Town to undertake the Local Planning Strategy Review / Stirling Highway Study / Loch Street Station Study / Housing Capacity Study by the end of 2015/16. Preparation of the SH Study was recommended by the Housing Capacity Study which was adopted by Council on 20 November 2012. Progression of the SH Study will inform the review of the Local Planning Strategy.

The SH Study is closely aligned to the MRS Amendment No. 1210/41 relating to Stirling Highway. When this occurs, Council is required to apply specific zonings and development requirements to the land zoned Urban under the MRS. Advice from the DoP indicates that whilst Council may initiate an amendment to TPS3 to reflect proposals contained in the Stirling Highway Study, Council cannot technically finalise the amendment until such time as MRS amendment is gazetted. Accordingly, although it appears that there is no imminent urgency to initiate the scheme amendment, this is desirable pending final review of the scheme provisions following adoption of the SH Study as a Local Development Plan.

### **Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Wood, seconded Cr Edwards**

**THAT Council:**

- Pursuant to Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopt the draft 'Planning for Increased Residential Density along Stirling Highway' study for public consultation as a proposed Local Development Plan including endorsement of the Staged Model as the preferred option plus the identified "designated landmark" site at the north western corner of Stirling Highway and Stirling Road and the St Louis Village site to guide future residential development along Stirling Highway.**
- Advertise the draft 'Planning for Increased Residential Density along Stirling Highway' study for a period of 28 days.**
- Require a further report being prepared for Council consideration following completion of the consultation period.**

**CARRIED(37/16)  
(NO DISSENT)**

## 13.2 CORPORATE AND GOVERNANCE

Items 13.2.1 to 13.2.2 were carried en bloc.

### 13.2.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2016

<b>File Ref:</b>	<b>FIM/0062-02</b>
<b>Attachments:</b>	<a href="#">Statement of Financial Activity for period ending 31 January 2016</a> <a href="#">Infrastructure Assets – 2015-16 Schedule of Works</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Hitesh Hans</b> <b>Finance Manager</b>
<b>Proposed Meeting Date:</b>	<b>15 March 2016</b>

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#### **Purpose**

For Council to note the Statement of Financial Activity for the month ending 31 January 2016.

#### **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 January 2016 represents seven months of operation within the 2015-16 financial year. Reporting is provided against the revised 2015-16 budget following completion of the mid-year budget review adopted by Council on 16 February 2016.

#### Operating revenue - \$157,866 above budget

- Fees & Charges - \$98,051 above budget due to increased fines and penalties revenue (\$48K) and aquatic centre admission and hire fees (\$43K).
- Interest Earning - \$70,377 above budget due timing and higher interest income derived by better cash management and increased cash holdings.

#### Operating expenditure - \$669,307 below budget

- Materials and Contracts - \$537,972 due to timing differences across all business units with the more significant variances within;
    - Infrastructure - \$258K (various maintenance works (roads, drainage and footpath), street sweeping, plant operations and administration services)
    - Administration & Governance - \$40K (Office expenses, materials and contracts)
-

- Planning and Heritage services - \$18K
- Ranger's services – \$36K
- Waste Management - \$118K
- Claremont Now - \$34K.
- Employee Costs - \$103,951 under budget due to timing of staff salaries and superannuation.
- Utilities Charges - \$17,824 due to timing variance.

#### Capital expenditure – \$112,964 under budget

As detailed within the capital works schedules, the capital expenditure comprises;

- (\$63,358) over budget in infrastructure works. Attachment 2 provides further detail on the projects and variance explanation.
- \$115,335 under budget on land, building, plant and equipment capital expenditure due to timing. Note 10 of Attachment 1 provides a breakdown of these items.
- \$60,717 under budget on transfers to reserves due to timing of interest income on reserve investment.

#### Capital income - \$169,440 under budget

- \$169,440 of variance is as a result of transfer from restricted asset not yet processed.

#### Summary

The closing surplus of \$8,275,786 is comparing favourably against the budgeted surplus of \$7,498,942. While the total variance is large (\$776,842), it is comprised primarily of timing differences which will be addressed as projects and programs are completed during the second half of the year. No further adjustments to those recognised during the mid-year review have been identified.

#### **Past Resolutions**

Ordinary Council Meeting 16 February 2016, Resolution 21/16:

*That Council note the Financial Statement of Activity for the period 1 July 2015 to 31 December 2015.*

#### **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.*

#### **Publicity**

N/A

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## **Strategic Community Plan**

### **Governance and Leadership**

*We are an open and accountable local government that encourages community involvement and strives to keep its community well informed.*

- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Maintain long term financial stability and growth.

### **Urgency**

N/A

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Haynes, seconded Cr Wood**

**That Council notes the Financial Statement of Activity for the period 1 July 2015 to 31 January 2016.**

**CARRIED(38/16)  
(NO DISSENT)**



**13.2.2 LIST OF PAYMENT 1-29 FEBRUARY 2016**

<b>File Ref:</b>	<b>FIM00062</b>
<b>Attachment:</b>	<b><u>Schedule of Payments February 2016</u></b> <b><u>NAB Purchase card statement</u></b>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan</b> <b>Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>15 March 2016</b>

**Purpose**

For Council to note the payments made in February 2016.

**Background**

Council has delegated to the CEO the exercise of its power to make payments from the Municipal Fund or Trust Fund. The CEO is then required to prepare a list of accounts, for recording in the Minutes, detailing those payments made since the last list was presented.

**Discussion**

Attached is the list of all accounts paid totalling \$1,075,316.35 during the month of February 2016.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	573,032.72
• Municipal Fund vouchers	\$	0.00
• Municipal Fund direct debits	\$	472,075.05
• Trust Fund electronic funds transfer (EFT)	\$	30,208.58
• 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 16 February 2016, Resolution 22/16:

*That Council notes all payments made for January 2016 totalling \$1,427,070.89 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>882,817.07</i>
<i>Municipal Fund vouchers (39442-39454)</i>	\$	<i>15,323.31</i>
<i>Municipal Fund direct debits</i>	\$	<i>487,984.40</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	<i>40,946.11</i>
<i>Trust Fund vouchers</i>	\$	<i>0.00</i>

**CARRIED**  
**(NO DISSENT)**

**Financial and Staff Implication**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

Regulations 12- 13 of the *Local Government (Financial Management) Regulations* 1996. Town of Claremont Delegation Register Item 37.

**Communication / Consultation**

N/A

**Urgency**

N/A

**Voting Requirements**

Simple majority decision.

**Moved Cr Haynes, seconded Cr Wood**

**THAT Council NOTES all payments made for February 2016 totalling \$1,075,316.35 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$</b>	<b>573,032.72</b>
<b>Municipal Fund vouchers</b>	<b>\$</b>	<b>0.00</b>
<b>Municipal Fund direct debits</b>	<b>\$</b>	<b>472,075.05</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$</b>	<b>30,208.58</b>
<b>Trust Fund vouchers</b>	<b>\$</b>	<b>0.00</b>

**CARRIED(38/16)  
(NO DISSENT)**

### 13.2.3 NEW PARKING LOCAL LAW

<b>File Ref:</b>	<b>LAW/00279</b>
<b>Attachments:</b>	<a href="#">Parking Local Law 2016 Summary of Amendments</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Brian Kavanagh</b> <b>Manager Statutory Services</b>
<b>Proposed Meeting Date:</b>	<b>15 March 2016</b>

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#### **Purpose**

The report recommends Council review and repeal the Town of Claremont's Parking Local Law 2012 and advertises the draft Town's Parking Local Law 2016 in accordance with section 3.12 of the *Local Government Act 1995*.

#### **Background**

Council adopted the Town's Parking Local Law 2012 on 19 March 2013. This resolution effectively revoked the former Town of Claremont Parking and Facilities Local Law 2009. The Town's Parking Local Law 2012 was gazetted on the 23 May 2013 and came into effect on the 6 June 2013. A review of the current local law has been undertaken and the new local law is proposed.

#### **Discussion**

The most significant change included in the proposed Parking Local Law 2016 is removal of sections of Part 8 (Parking Permits) to allow these to be dealt with greater flexibility under Council Policy. Administration is currently finalising the parking precinct plan which includes review of the parking permit system as detailed at the Council Forum held 16 November 2015.

The balance of the changes seek to remove areas of ambiguity or confusion within the current local law to provide further clarity to the public and enforcement officers, and to increase some penalties to current industry levels. An explanation of the changes are detailed below and copies of the current (2012) and proposed (2016) clauses are provided for comparative purposes in Attachment 2.

1. The definition of 'obstruct' in clause 1.4 has been deleted. The existing definition of 'obstruct' was narrower than the common law legal definition of that term and it would be better to rely on the latter interpretation.
  2. Clause 1.6(2) has been amended to exclude reference to clause 4.10. That is, clause 1.6(2) provides that the Local Law will not apply to private parking facilities or parking stations. However, clause 4.10 should continue to apply to private parking facilities as the Town issues infringement notices for vehicles which are parked without consent in these private parking facilities.
  3. Clause 2.8 has been deleted and replaced with alternative wording. The new clause will be easier to enforce as it strictly requires a ticket applicable to the
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relevant parking area to be purchased and displayed in such a way as to be visible to an authorised person.

4. Clause 3.7 has been amended on the same basis as clause 2.8.
5. Clause 3.8(1)(e) has been inserted to address circumstances in which a vehicle is parked in a parking station without being wholly parked within a parking stall. In the absence of specific signage to that effect in all relevant parking stations, the Town arguably did not have a basis for enforcing parking restrictions in those circumstances.
6. Clause 4.1(2)(b) has been amended to clarify the circumstances in which the holder of an ACROD sticker will be entitled to park for twice the permitted time.
7. Clause 4.1(4) has been deleted. The Town considers that motor cycles should be entitled to park in ordinary parking stalls.
8. Clause 4.6 has been amended to include circumstances where a person parks 'or leaves' a vehicle on a thoroughfare having been directed to move the vehicle by an authorised person. For a vehicle which has already been parked prior to the direction being given, or where the vehicle has been parked by a person who is no longer capable of moving the vehicle, the inclusion of 'or leave' provides broader powers for the Town to require vehicles to be moved.
9. Clause 4.8 has been replaced with new wording to more easily establish discrete offences in relation to vehicles which are parked for longer than the permitted time. The previous provisions required the Town to either allege that the vehicle had been parked for longer than the permitted time or allege that the vehicle had been moved within the relevant area without having been removed for more than 2 hours.  
The new provisions establish individual offences for vehicles which are parked for longer than the permitted time without being removed for at least 1 hour. There are two separate offences in relation to a road and a thoroughfare respectively.

Clause 4.10 has been amended to rectify an incorrect reference to clause 1.6(2) within clause 4.10(1)(d). Furthermore, the effect of clause 4.10 will have been changed as a result of the proposed amendment to clause 1.6(2), which should enable the Town to enforce private parking restrictions for private parking facilities or parking stations.

10. Clause 6.1 has been replaced with new wording to provide a better means of enforcing parking in loading zones. While the effect of the new provision is similar to the existing provision, the proposed clause removes the reference to passengers and requires the relevant vehicle to be a commercial vehicle, rather than (for example) an ordinary vehicle being used to collect or deliver items to or from a retail shop.
11. Part 8 of the Local Law has been amended in a number of respects. Clauses 8.3, 8.4 and 8.6-8.13 have been removed from the Local Law. Those clauses formerly established the manner in which permits would be issued and the

administration process associated with those permits. While the Town can retain the same process in the future, it is better for that process not to be formalised within the Local Law as the Town may want to change its process (without amending the Local Law) and also should not have to prove that it has complied with its process as part of a prosecution in respect of which a parking permit may be relevant.

Parking permits will continue to be issued by the Town and will continue to have the same effect for permit holders. However, removing those clauses from the Local Law and including them in a Council Policy allows the Town a greater level of flexibility in dealing with permit parking in the future.

The proposed changes also include the consequential deletion of various defined terms which are no longer used and the inclusion of the concept of a 'precinct' in respect of which a parking permit may apply.

The Local Law will no longer differentiate between 'residential parking permits' and 'visitor parking permits'. The Local Law will broadly refer to 'parking permits' instead.

11. Clause 9.7 has been amended by removing reference to a vehicle which 'obstructs' a public place. A similar amendment has been carried out in relation to other recent parking local laws and effectively allows a local government to prohibit vehicles from being parked in a public place for more than 24 hours without having to prove that the vehicle caused an obstruction.
12. Clause 10.1(3) has been amended to include a minimum penalty of \$300 upon conviction by a Court for offences under the local law.

Clause 10.1(3) also establishes a maximum penalty of \$5,000. However, for most parking offences, a Court will only impose the minimum penalty of \$300. Still, a maximum penalty is appropriate (and typical) for a parking local law. There may be some circumstances – such as where a commercial vehicle is being parked unlawfully deliberately as part of a business operation – where a Court may impose penalties which exceed the minimum penalty.

13. Schedule 2 has been amended to include the new offence under clause 3.8(1)(e) and the two separate offences established under clauses 4.8(1) and 4.8(2) respectively. The 2016 Parking Local Law process will take about 6 to 9 months before being gazetted. Penalties have been increased (last increased in 2013) to reflect the time delay of implementing the 2016 Parking Local Law and industry standards.
14. Schedule 4 has been amended to include the complete land description and details for the various parking stations identified therein.

### **Past Resolutions**

Ordinary Council Meeting 4 February 2014, Resolution 5/14:

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*That Council resolves to advertise the Town of Claremont Parking Local Law 2014, in accordance with section 3.12 of the Local Government Act 1995, the purpose and effect of which are:*

- 1. Purpose: The purpose of this local law is to review the Parking Local Law 2012.*
- 2. Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

Ordinary Council Meeting 20 August 2013 Resolution 249/13

*That Council:*

- 1. Amend the Town of Claremont Parking Local Law 2012 by repealing the \$300 modified penalty at item 82 in Schedule 2 and amending this penalty to \$120;*
- 2. Advise the Joint Standing Committee on Delegated Legislation that until the current Notice of Motion in the Legislative Council to disallow the Town of Claremont Parking Local Law 2012 is withdrawn, the \$300 modified penalty will not be enforced;*
- 3. Will not exclude "assistance animals" from Clause 4.1 of the Town of Claremont Dogs Local Law 2012 as defined in section 9(2) of the Disability Discrimination Act 1992 from public places in its district;*
- 4. Will rectify drafting errors identified by the Joint Standing Committee on Delegated Legislation when the Dogs Local Law 2012 is next reviewed;*
- 5. Ensure the Dogs Local Law 2012 is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings; and*
- 6. Provide the Joint Standing Committee on Delegated Legislation with a copy of these minutes.*

Ordinary Council Meeting 19 March 2013, Resolution 43/13

#### **ALTERNATIVE MOTION**

*That Council adopt the draft Town of Claremont Parking Local Laws 2012 and Dogs Local Law 2012 (as per Attachments), in accordance with Section 3.12 of the Local Government Act 1995, the purpose and effect of which are:*

*Parking Local Law 2012-*

- 1. Purpose: The purpose of this local law is to repeal the Parking and Parking Facilities Local Law 2009 and adopt the Parking Local Law 2012.*
- 2. Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

*With the following Amendment -*

*Except for the removal of the nominated days and times from the Local Law Schedule.*

*Reason: To maintain the lessened restrictions on parking on Sunday's in the Claremont CBD to benefit of the businesses of Claremont trying to build business for Sunday trade, and for the benefit of the general community.*

*Dogs Local Law 2012-*

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1. *Purpose: The purpose of this local law is to repeal the Dogs Local Law 2000 and include new dog exercise areas and prohibited areas in the new Dogs Local Law 2012.*
2. *Effect: The effect of this local law is to control dogs within the Town of Claremont for the benefit of the community.*

#### **MOTION TO DEFER BACK**

*That the item be deferred back to Administration.*

*Reason: To enable further clarification on a number of clauses and fees proposed within the draft local laws.*

Ordinary Council Meeting 21 August 2012, Resolution 157/12:

*That Council resolves to advertise the Town of Claremont Dogs Local Law 2012 and Town of Claremont Parking Local Laws 2012, in accordance with Section 3.12 of the Local Government Act 1995, the purpose and effect of which are:*

#### **Dogs Local Law 2012-**

1. *Purpose: The purpose of this local law is to review the Dogs Local Law 2000 and include new dog exercise areas and prohibited areas.*
2. *Effect: The effect of this local law is to control dogs within the Town of Claremont for the benefit of the community.*

#### **Parking Local Law 2012-**

1. *Purpose: The purpose of this local law is to review the Parking and Parking Facilities Local Law 2009.*
2. *Effect: The effect of this local law is to control the parking within the Town of Claremont for the benefit of the community.*

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

Resource requirements are in accordance with existing budgetary allocation. Parking revenue is likely to increase although an amount cannot be forecast at this time.

### **Policy and Statutory Implications**

Sections 3.5 and 3.12 of the *Local Government Act 1995* states-

#### **3.5. Legislative power of local governments**

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
  2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
  3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
  4. *Regulations may set out –*
-

- (a) *matters about which, or purposes for which, local laws are not to be made;*  
*or*
  - (b) *kinds of local laws that are not to be made,*
- and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind*

5. *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

### 3.12. Procedure for making local laws

1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

3. *The local government is to –*

*(a) give Statewide public notice stating that –*

- (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

*(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

- 3a. *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

4. *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute Majority Required.*

5. *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

6. *After the local law has been published in the Gazette the local government is to give local public notice –*

- (a) stating the title of the local law;*
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*



- (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
7. *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
8. *In this section – making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

The *Local Government (Functions and General) Regulations 1996* states-

3. *Notice of purpose and effect of proposed local law - s. 3.12(2)*
- For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –*
- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

### **Communication / Consultation**

The draft Parking Local Law 2016 advertised as required by section 3.12 of the *Local Government Act 1995*. The Council to consider any submissions and resolves to make a local law.

The local government is to publish the local law in the Gazette and provide a copy of it to the Minister. The draft 2016 Parking Local Law is required to be advertised for 6 weeks plus 1 day (43Days).

### **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.*

- Develop the public realm as gathering spaces for participation and enjoyment.

#### **People**

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

- Play an integral role in local safety and crime prevention.

#### **Urgency**

N/A

#### **Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Edwards, seconded Cr Mews**

**That Council advertise the Town of Claremont draft Parking Local Laws 2016, in accordance with Section 3.12 of the *Local Government Act 1995*-**

- (a) Purpose: To regulate parking of vehicles within the Town of Claremont and provide for management and operation of parking facilities under the control of the Town. This repeals Parking Local Law 2012.**
- (b) Effect- A person parking a vehicle within the Town is to comply with the provisions of this Local Law.**

**CARRIED(39/16)  
(NO DISSENT)**

### 13.3 PEOPLE & PLACES

#### 13.3.1 CONTRIBUTION TO MOSMAN PARK MEN'S SHED

<b>Attachments:</b>	<a href="#">Proposed Extension Plan</a>
<b>Responsible Officer:</b>	<b>Liz Ledger</b> <b>Executive Manager People and Places</b>
<b>Author:</b>	<b>Maryanne Martino</b> <b>Manager Community Development</b>
<b>Proposed Meeting Date:</b>	<b>15 March 2016</b>

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#### **Purpose**

For Council to consider a submission from Mosman Park Men's Shed requesting funds to extend their current facility.

#### **Background**

The Men's Shed project begun in 2012, it is a national model that is successful all over the country. The Shed is a place where men can work on projects, learn skills and socialise. Sheds are community based clubs. While activities range widely from Shed to Shed, it is driven by member interest.

The objective of this facility is to restore some of the balance that is lost through modern practices, through creating communal Shed spaces that support the traditional uses of a Shed. The community benefit is creating awareness and providing education about men's health and wellbeing to the members.

Over the last three financial years the Town has contributed financially to the Shed to support a full time manager. The total contribution has been \$40,000

#### **Discussion**

The Town received a letter from the Mosman Park Men's Shed requesting \$25,000 to support an extension of the facility. The reason for the extension is to improve safety and extend space. The Shed has grown so much that at the moment there is not enough space to complete projects safely. The extension would be south of the current building (see plan attached).

A similar request has been made to Cottesloe and Mosman Park for a contribution of \$25,000 and Peppermint Grove for \$10,000. None of these local governments have committed to funding, yet.

There are approximately 250 members that live within the four councils; forty of them are members who live in Claremont. Most of the members from Claremont are active meaning they attend several times a month. Claremont residents represent 16.5% of the total membership.

The Shed work with the community and has completed projects for a range of not for profit organisations, such as Friends of Lake Claremont. Twice a year they organise

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a community craft market that has become very popular with craft people all over the metropolitan area.

This is a positive community initiative with many benefits for this demographic. This demographic are often harder to connect with and this project creates such opportunities for the members that attend. Recently the Town's officers attended a site meeting and it was evident that the members are very passionate and that the facility is managed very well by its members.

### **Past Resolutions**

N/A

### **Financial and Staff Implications**

The Men's Shed plan to complete the extension within the 2016-2017 financial year, and they have advised the total cost of the project is approximately \$100,000, which they hope to fund as follows:

Town of Claremont	\$25,000
Town of Cottesloe	\$25,000
Town of Mosman Park	\$25,000
Shire of Peppermint Grove	\$10,000
Men's Shed	\$15,000

In the statistics provided, forty of the 250 members live in Claremont. This is 16.5% all of which are active members, therefore it is suggested that 16.5% of the total project cost is funded.

### **Policy and Statutory Implications**

This request for funding applies to Policy PE404 'Vibrant Claremont – Community Support Program'. The purpose of this policy is to support local community development and community capacity building.

### **Communication / Consultation**

Community Development staff recently met with members of the Men's Shed to go through the details of the planned extension and the intention.

### **Strategic Community Plan**

#### **People**

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

- Maintain, effectively manage and enhance the Town's community facilities in response to a growing community.
- Create opportunities for and access to social participation and inclusion in support of community health and well being.
- Improve the capacity of local community groups.

**Urgency**

The Men's Shed plan to carry out the extension over the 2016-2017 financial year, therefore this allocation should fit within our usual budget process

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Wood, seconded Cr Goetze**

**That**

- 1. Council consider including \$16,500 in the 2016-2017 budget to fund the extension of the Mosman Park Men's Shed.**
- 2. The Town of Claremont funding is subject to funding support from other Council's to the extent necessary that the extension can proceed.**
- 3. As part of this funding agreement, the Shed**
  - 3.1. Create the garden beds for the Town's community garden in Claremont Park**
  - 3.2. Holds one of their craft markets within the Town of Claremont**
  - 3.3. Provides the Town access to the Men's Shed shuttle bus.**

**CARRIED(40/16)**

For the Motion: Mayor Barker and Crs Haynes, Edwards, Goetze, Browne, Kelly, Mews and Wood.

Against the Motion: Cr Tulloch.

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

The Mayor reported on his attendance at the Long Table Lunch held in Mrs Herbert's Park.

Cr Wood reported on her attendance at the History in a Coffee Cup held at the Claremont Community Hub.

**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

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

**MOTION TO CLOSE DOORS**

**Moved Cr Haynes, seconded Cr Browne**

**That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspects of the Act being applicable to this matter:**

(c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**CARRIED(41/16)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:24PM.*

*Mayor Barker reconvened the meeting at 7:25PM.*

**ATTENDANCE**

**Mayor Barker**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Peter Browne**

**West Ward**

**Cr Paul Kelly**

**South Ward**

**Cr Chris Mews**

**South Ward**

**Cr Jill Goetze**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

**Mr Stephen Goode (Chief Executive Officer)**

**Mr Les Crichton (Executive Manager Corporate and Governance)**

**Mr David Vinicombe (Executive Manager Planning and Development)**

**Ms Katie Bovell (Governance Officer)**

**17.1 CORPORATE AND GOVERNANCE****17.1.1 WASTE RECYCLING COLLECTION SERVICE CONTRACT RENEWAL**

**File Ref:** WST00267  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Brian Kavanagh  
Manager Statutory Services  
**Proposed Meeting Date:** 15 March 2016

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**Purpose**

The following item was considered in closed session.

**Moved Cr Haynes, seconded Cr Browne**

**That:**

- 1. Council extend the current Contract with Perthwaste for the provision of Waste and Recycling Collection Services within the Town of Claremont for a period of two years under clause 3.2 of the Contract.**
- 2. The Chief Executive Officer prepare a Deed of Confirmation and Variation of Contract to reflect this extension.**
- 3. Council authorise the Mayor and Chief Executive Officer to sign and seal the revised Contract.**

**CARRIED BY AN ABSOLUTE MAJORITY(42/16)  
(NO DISSENT)**

**MOTION TO OPEN DOORS**

**Moved Cr Edwards, seconded Cr Haynes**

**That the doors be opened.**

**CARRIED(43/16)  
(NO DISSENT)**

*The doors opened at 7:28PM.*

**THE MAYOR READ ALOUD THE RESOLUTION MADE BEHIND CLOSED DOORS.**



**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, 5 April 2016 at 7:00PM.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:28PM.

Confirmed this ... .. day of ... .. 2016.

**PRESIDING MEMBER**