



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING MINUTES**

**TUESDAY 21 NOVEMBER 2017**

**Liz Ledger**

**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**  
**21 NOVEMBER 2017**  
**MINUTES**

**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**

**Mayor Barker**

**Cr Bruce Haynes**

**Cr Kate Main**

**Cr Alastair Tulloch**

**Cr Jill Goetze**

**Cr Paul Kelly**

**Cr Chris Mews**

**Cr Peter Browne**

**Cr Peter Edwards**

**Cr Sara Franklyn**

**East Ward**

**East Ward**

**East Ward**

**South Ward**

**South Ward**

**South Ward**

**West Ward**

**West Ward**

**West Ward**

**Ms Liz Ledger (Chief Executive Officer)**

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

**Ms Cathy Bohdan (Executive Manager People and Places)**

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

**Ms Sarah Hingston (Governance Officer)**

**Two members of the public**

**Two members of the press**

**3 DISCLOSURE OF INTERESTS**

<b>Item No.</b>	<b>Elected Member</b>	<b>Type</b>
Item 17.1.1 Portion of 30 Lapsley Road, Claremont – Lease of Premises by Aspire WA Pty Ltd.	Cr Haynes	Financial

**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 Browne, seconded Cr Mews****That the minutes of the Ordinary Meeting of Council held on [7 November 2017](#) be confirmed.****CARRIED(163/17)  
(NO DISSENT)****10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC**

Item 17.1.1 Portion of 30 Lapsley Road, Claremont – Lease of Premises by Aspire WA Pty Ltd.

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

NIL

**12 REPORTS OF COMMITTEES**

NIL

## 13 REPORTS OF THE CEO

### 13.1 CORPORATE AND GOVERNANCE

#### 13.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 SEPTEMBER 2017

<b>File Ref:</b>	<b>FIM/0062-03</b>
<b>Attachments:</b>	<b>Financial Report for the period ended 30 September 2017 (Attachment 1)</b> <b>Infrastructure Assets 2017-18 Schedule of Work (Attachment 2)</b>
<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>21 November 2017</b>

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#### **Purpose**

To present to Council the Statement of Financial Activity for the month ending 30 September 2017.

#### **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 30 September 2017 presents the operational results for the first quarter of the 2017-18 financial year and compares year-to-date expenditure and revenue against budget. The budget figures incorporate all 2016-17 carry-forwards approved as part of the June 2017 end of year report presented to council on 15 August 2017.

With a continuing drop in both parking and aquatic centre revenue identified during the first three months of the year, an interim review of the budget has been completed with the following adjustments recommended.

#### Parking Services

The annual budget for parking infringement revenue was set at \$900,000 in line with historical collections over the last three years. This figure was discounted in recognition of the 'caution first' initiative introduced earlier in calendar year. It was assumed following introduction of the initiative and the initial increase in cautions (vs infringements), infringement numbers would increase as the number of pre-warned offences rose.

The first quarter indicates first offender numbers have remained high, which has resulted in the continuation of lower infringements being issued. This is reflected in

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infringement revenue of \$70,400 against a budget of \$225,000. This also compares to income of \$283,600 for the same period last financial year. With the financial impact of the 'first caution' strategy expected to continue, the annual infringement budget is proposed to be reduced by \$400,000 to \$500,000.

#### Aquatic Centre

Revenue received to date for the centre is \$158,900 against the budget of \$213,300 and last year's income for the period of \$186,400. This has largely been impacted by the extended winter season with wetter and colder weather extending through the whole period. While recent warmer weather looks likely to continue together with seasonal increased use by both recreational, program and educational users, a reduction in the total budget revenue of \$50,000 is proposed.

#### Other Items

The following adjustments are also recommended for adjustment. These items represent confirmed variations (increases) to revenue of \$233,173, some of which have associated expenditure commitments (\$119,148). The net \$114,025 increase offsets the reduction in parking and aquatic centre revenue previously detailed.

Details	Expense	Income
FAGS Grant Allocation finalised- Additional Income		338
10 Year old Trust Deposit transfer to Muni		80,300
Cash in lieu parking deposit received		45,000
Transfer to Cash in lieu Reserve	(45,000)	
Stirling Hwy Shared Path Grant – DOT		25,000
16-17 National Black Spot Shenton Ave		30,000
PTA - Contribution for Claremont Cres		15,000
Resident Bench Contribution		3,315
CHGS- Contribution for Children's Crossing Queenslea Drive		40,000
Claremont Cres railing -funded by PTA (net of overhead)	(12,500)	
park bench at Herbert's park-funded by contribution	(3,315)	
CCGS crossing funded by contribution (net of overhead)	(33,333)	
Shenton Stirling Lighting-Black spot funded (net of overhead)	(25,000)	
Decrease in Direct Grant after finalisation		(5,780)
Total	(119,148)	233,173
Net Impact on Surplus	114,025	

Overall impact of the above adjustments is net decrease of \$335,975 which will bring the closing balance from \$99,378 to \$236,597 deficit. This will be addressed through completion of the more comprehensive mid-year budget review.

The balance of this report is based on incorporating the above changes to the budget.

The Year-to-Date Closing Surplus of \$13,883,925 compares favourably against the budgeted surplus of \$13,102,800. The budgeted closing surplus estimates the total (capital and operating) revenue expected at the end of September 17 less the total expenditure expected for the period. Variations in timing typically account for much of



the difference between budgeted surplus and actual reported. As detailed below, the \$781,124 variance is made up of;

Under budget	
Operating revenue	(\$14,915)
Operating expenditure	\$328,435
Capital expenditure	\$513,004
Over Budget	
Capital revenue	(\$45,399)
Variance	<u>\$781,124</u>

Table 1: Operating revenue – (\$14,915) under budget.

	Revenue Budget	Revenue Actual	Variance
Fees and charges	\$805,135	\$750,243	(\$54,892)
Rates	\$14,060,125	\$14,090,371	\$30,246

The reasons for operating revenue variations are:

- (\$54,892) fees and charges - due primarily to timing of income leasing (\$13,885) and parking services (\$35K).
- \$30,246 rates - due to timing from the inclusion of new properties and interims before rates were levied.

Important revenue indicators are:

Rates levied (including arrears, ESL and other charges) total \$18.191M with collection to date of \$11.48M or 63.11%. This compares to 67.85% collection for the same period last year however rates were levied three weeks earlier last year.

Debtors show +90 days outstanding of \$13,885 which is mainly comprised of outstanding lease/rental payments. These are being followed up and not considered at risk.

Table 2: Operating expenditure - \$247,315 under budget

	Expenditure Budget	Expenditure Actual	Variance
Employee Cost	\$1,767,190	\$1,792,895	(\$25,705)
Material and Contracts	\$1,618,314	\$1,319,594	\$298,720
Utilities Charges	\$134,874	\$103,416	\$31,458
Insurance Expenses	(\$157,993)	(\$125,490)	\$32,503

Contributors to the operating expenditure variations are:

- (\$25,705) employee costs - due to the timing of payments made ahead of budget timing.
- \$298,720 materials and contracts – mostly timing differences of which \$55,200 relates to consultancy \$102,900 office expenses and \$139,620 relates to materials and contracts.
- \$31,548 utilities - due to timing
- \$32,503 insurance - timing of insurance invoices.

The reduced operating expenditure is due to timing and any savings will be identified part of the mid-year budget review.

Capital revenue – (\$45,400) under budget.

This variance is due timing on the proceeds from sale of vehicles.

Capital expenditure – \$513,004 under budget.

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

- \$353,000 below budget in infrastructure works due to timing. Attachment 2 provides further detail on the projects and variance explanation.
- \$151,000 below budget in Plant Equipment, land and building is due to timing. Note 10 provides further details of capital works.

### **Past Resolutions**

Ordinary Council Meeting 19 September 2017, Resolution 140/17:

*That Council notes the Financial Statement of Activity for the period 1 July 2017 to 31 August 2017.*

### **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**

ABSOLUTE MAJORITY DECISION OF COUNCIL IS REQUIRED.

### **Officer Recommendation**

**Moved Cr Haynes, seconded Cr Main**

**That Council**

- 1. Notes the Financial Statement of Activity for the period 1 July 2017 to 30 September 2017**
- 2. Approves the \$335,975 interim budget adjustments to the 2017-18 Budget as detailed in the report.**

**CARRIED BY AN ABSOLUTE MAJORITY(164/17)**

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**13.1.2 LIST OF PAYMENT 1 TO 31 OCTOBER 2017**

<b>File No:</b>	<b>FIM/00062-03</b>
<b>Attachment</b>	<b>Schedule of Payments October 2017 (Attachment 1)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan/ Fiona Li Senior Finance Officer/ Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 November 2017</b>

**Purpose**

To present payments made in October 2017.

**Background**

The Town's current Delegated Authority Register adopted at the 16 May 2017 OCM authorises the CEO the exercise of its power to make payments from the Municipal Fund or Trust Fund.

**Discussion**

The list of all accounts paid totalling \$1,938,432.18 during the month of October 2017 is included in this report as Attachment 1.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,693,918.69
• Municipal Fund vouchers (39549-39563)	\$	2,859.69
• Municipal Fund direct debits	\$	194,608.93
• Trust Fund electronic funds transfer (EFT)	\$	47,044.87
• 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 17 October 2017, Resolution 149/17;

*That Council notes all payments made for September 2017 totalling \$1,526,224.21 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>917,499.17</i>
<i>Municipal Fund vouchers (39548)</i>	\$	<i>16,295.50</i>
<i>Municipal Fund direct debits</i>	\$	<i>561,337.77</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	<i>31,091.77</i>
<i>Trust Fund vouchers</i>	\$	<i>0.00</i>

**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.

## 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.

### Communication / Consultation

Nil

### Urgency

The CEO is required to present a list to Council of those payments made since the last list was submitted.

### Voting Requirements

Simple majority decision of Council required.

### Officer Recommendation

**Moved Cr Haynes, seconded Cr Franklyn**

**That Council notes all payments made for October 2017 totalling \$1,938,432.18 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$</b>	<b>1,693,918.69</b>
<b>Municipal Fund vouchers (39549-39563)</b>	<b>\$</b>	<b>2,859.69</b>
<b>Municipal Fund direct debits</b>	<b>\$</b>	<b>194,608.93</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$</b>	<b>47,044.87</b>
<b>Trust Fund vouchers</b>	<b>\$</b>	<b>0.00</b>

**CARRIED(165/17)  
(NO DISSENT)**

**13.1.3 2016-17 ANNUAL REPORT**

<b>File No:</b>	<b>COM/00035</b>
<b>Attachments:</b>	<b>Town of Claremont 2016-17 Annual Report (Attachment 1)</b>
<b>Responsible Officer:</b>	<b>Les Crichton Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Sarah Hingston Governance Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 November 2017</b>

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**Purpose**

To present the 2016-17 Annual Report for the year ended 30 June 2017 for adoption, which includes the Annual Financial Statements and Independent Auditor's Report.

**Background**

Section 5.54 of the *Local Government Act 1995* requires the Town of Claremont to accept its Annual Report for each financial year by 31 December, or within two months of receipt of the Auditor's Report.

The Independent Auditor's Report, the Auditor's Management Report, and 2016-17 Financial Report, were reviewed by Council's Audit and Risk Management Committee. At its meeting held on 14 November 2017, the Committee recommended that –

*Council receive the audited Financial Report for the year ended 30 June 2017, Independent Auditor's Report, and Auditor's Management Report.*

Following the adoption of the Annual Report, Section 5.27 of the Act requires that Council hold an Electors' General Meeting within 56 days to present the contents of the report, and any other general business.

**Discussion**

The 2016-17 Annual Report is included as Attachment 1. It contains statutory reporting requirements as prescribed in s 5.53(2) of the *Local Government Act 1995*, which include:

- Mayors Report
- Chief Executive Officer's Report
- Annual Financial Statements, and
- Independent Auditor's Report.

In line with principles of integrated planning and reporting, the Annual Report includes an overview of the projects and services delivered during the financial year. It is recommended that Council note the Town's achievements and formally adopt the Annual Report 2016-17.

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To present contents of the Annual Report within the prescribed timeframe, it is further recommended that Council approve the proposed meeting date for the Electors' General Meeting for Thursday, 7 December 2017 at 6pm in the Town's Administration Building.

### **Past Resolutions**

Ordinary Council Meeting 13 December 2016, Resolution 207/16:

*That Council:*

1. *Adopt the Town of Claremont 2015-16 Annual Report incorporating the financial statements for the year ended 30 June 2016; and*
2. *Endorse holding the Annual Electors' General Meeting on Wednesday 14 December 2016 at 6.00PM.*

**CARRIED**

### **Financial and Staff Implications**

As discussed within the body of the Annual Report.

### **Policy and Statutory Implications**

*Local Government Act 1995 - Sections 5.27,5.29,5.53,5.54,5.55*

*Local Government (Financial Management) Regulations 1996 - clauses. 36 -51*

*Local Government (Administration) Regulations 1996 Reg. 12*

### **Communication / Consultation**

Public notice regarding the proposed Electors' General Meeting date, and the availability of the Annual Report 2016-17 for public inspection, will be published in the local papers on Wednesday, 22 November 2017.

### **Strategic Community Plan**

#### **Governance and Leadership**

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

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Demonstrate a high standard of governance, accountability, management and strategic planning.
- Manage our finances responsibly and improve financial sustainability.

### **Urgency**

Adoption of the 2016-17 Annual Report will enable the Town to hold its Annual Electors' General meeting.



**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL IS REQUIRED.

**Officer Recommendation**

**Moved Cr Haynes, seconded Cr Browne**

**That Council**

- 1. Adopt the Town of Claremont 2016-17 Annual Report**
- 2. Hold the Annual Electors' General Meeting on Thursday 7 December 2017 from 6:00pm at the Town of Claremont's Administration Building**

**CARRIED BY AN ABSOLUTE MAJORITY(166/17)**

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## 13.2 PLANNING AND DEVELOPMENT

### 13.2.1 ST LOUIS MASTERPLAN AND LOCAL DEVELOPMENT PLAN

<b>File Ref:</b>	<b>LND/00061</b>
<b>Attachments – Public:</b>	<b>Location Map (Attachment 1) Applicant’s Letter (Attachment 2) Proposed Master Plan (Attachment 3) Proposed Local Development Plan (Attachment 4) Master Plan Resident Information Framework (Attachment 5)</b>
<b>Responsible Officer:</b>	<b>David Vinicombe Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Stuart Devenish Planning Consultant and David Vinicombe Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>21 November 2017</b>
<b>Property Owner:</b>	<b>CHC (St Louis) Pty Ltd</b>
<b>Submitted By:</b>	<b>MW Urban</b>
<b>Lot No.:</b>	<b>Lot 901 Albert Street &amp; Lots 123 &amp; 200 Dean Street</b>
<b>Area of Lot:</b>	<b>30,256m<sup>2</sup></b>
<b>Zoning:</b>	<b>Residential (Lot 901 R30/40 and Lots 123 &amp; 200 R40)</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA) Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC) Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)</i></b>

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#### Summary

- Application for Council endorsement of a Masterplan (MP) and Local Development Plan (LDP) for the future development of St Louis Estate Retirement Village (St Louis Estate) initially received 10 April 2017 and modified following discussions 1 August 2017.
  - The owners of St Louis Estate (through their planning consultants) made a submission on the proposed Stirling Highway LDP in 2016. Council resolved
-

on 5 July 2016 to include St Louis Estate as a “designated landmark” site which is subject to the preparation of a MP which informs an LDP to identify and address specific development requirements for the site and guide amendments to TPS3 and/or Local Planning Policy. Further it was resolved that upon presentation of the MP to the satisfaction of Council, the Western Australian Planning Commission (WAPC) be requested provide approval for the preparation of an LDP for the site which links in with the Stirling Highway LDP.

- The proposed MP sets out the arrangements for redevelopment of the central portion of the retirement village site. A total of 47 dwellings are planned to be demolished, with new development providing in the order of 75 two and three bedroom multiple dwellings across 12 separate buildings. Proposed building heights vary between two (fronting Albert Street) and three storeys (fronting Dean Street) and eight storeys in the centre of the site. Two heritage listed buildings are planned to be retained.
  - The MP will form the basis of a LDP which will be subject to advertising following approval of the WAPC for its preparation.
  - A report on this matter was withdrawn from Council’s meeting dated 5 September 2017 due to concerns raised with the applicant regarding the lack of internal engagement with residents on the proposals.
  - The owner has appointed consultants to undertake an informal resident engagement exercise and survey (Resident Information Framework) which closes on 20 November 2017.
  - Although the internal resident consultation process will not deliver Council with its results prior to Council considering this matter, the applicant contends that these comments can be considered by Council in the review of the matter following formal public consultation on the proposed LDP.
  - There are no specific requirements or processes provided in planning legislation on the preparation, public comment or approval of a MP or requiring the resident engagement exercise.
  - The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) guides the requirements for preparation, formal consultation (with the public and residents) and approval of LDPs.
  - Upon conclusion of the formal consultation processes, Council must consider all submissions received (from residents, and adjacent property owners and occupants) and make its determination on the approval (or otherwise) of the LDP (which may be subject to State Administrative Tribunal – SAT review).
  - Accordingly, it is recommended that the MP be conditionally supported by Council, subject to formal consultation and final approval of the LDP in accordance with the LPS Regs.
  - It is recommended that subject to receipt of WAPC approval for the preparation of the LDP, the Town seek public comment on the proposed LDP in accordance with the LPS Regs and, on conclusion of the consultation process, refer the comments received in the formal public consultation period and the informal resident survey to Council for consideration and final approval (or otherwise) of the LDP.
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## Purpose

Council is requested to support the terms of a MP that will facilitate the redevelopment of a central portion of the St Louis Estate following the adoption of an LDP (see Applicant's letter - Attachment 2, Proposed Masterplan – Attachment 3 and Proposed Local Development Plan – Attachment 4). Further, Council is requested to seek approval of the WAPC to prepare and advertise an LDP for public submission.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
5 July 2016	Council adopted the Stirling Highway LDP including a recommendation concerning St Louis Estate MP and LDP process.
14 November 2017	Council Briefing Session on proposed MP.
10 April 2017	Draft MP submitted.
7 July 2017	Additional information requested from applicant.
1 August 2017	Revised MP and draft LDP submitted by applicant.
26 August 2017	Report prepared for Council.
5 September 2017	Report to Council on 5 September withdrawn from Council.
31 October 2017	Applicant submits Resident Information Framework exercise and requests Council consideration of the matter on 21 November 2017.
9 November 2017	Report prepared.

## Past Resolutions

There are no past Council resolutions relevant to the MP submission.

## Planning Context

### *Strategic*

The Town of Claremont Housing Capacity Study 2013 adopted by Council on 20 November 2012 examined the opportunity for increased dwelling yields to meet housing targets in line with the requirements of the WAPC's Directions 2031 and associated sub-regional strategies.

The Housing Capacity Study formed the basis of the Stirling Highway LDP that was adopted by Council on 5 July 2016. At the time of adoption, Council resolved to identify the St Louis Estate and adjacent Mont Clare sites as 'designated landmarks', and to be subject to the preparation of a MP as follows:

*"Include the St Louis Estate Retirement Village as an identified "designated landmark" site which is subject to the preparation of a masterplan which informs the development of a separate Local Development Plan to identify and address specific development requirements for the site and to guide any future amendment to Town Planning Scheme No 3 and/or Local Planning Policy."*

The Stirling Highway LDP also indicates an increase in R-Coding from R30/40 to R80 within the southern portion of the St Louis Estate. Any changes to density would be subject to separate consideration of a Scheme amendment.

### *Statutory*

The subject site is predominantly zoned Residential R30/40. A relatively small strip adjacent Stirling Highway is reserved “Primary Regional Road” under the Metropolitan Region Scheme (MRS). A broader strip of land that was previously subject to the regional road reservation is now unzoned land – brought about by MRS amendment 1210/41 (effective 30 January 2017) that substantially reduced the width of the road reservation and now the subject of Amendment No. 138 to TPS3 (initiated by Council on 19 September 2017).

The intention of a MP is to provide guidance to the form of development, and to inform the subsequent preparation of a site specific LDP and ultimately, a development application. As such, the MP does not require formal adoption by Council; however the LDP is to be determined in accordance with the provisions of the LPS Regs.

### Heritage

The subject site contains two standalone properties contained within the Town’s Heritage List, as follows:

Attribute	Address	Management Category
Federation Bungalow (Homestead)	10 Albert Street	‘B’
Federation Bungalow	13 Dean Street	‘C’

It is noted each bungalow is to be retained by the MP as recommended by the Heritage List management category assignments. The MP provides for additions to the bungalow at 13 Dean Street to be removed, enhancing the heritage value of the home. The other bungalow (Homestead), currently containing the administration activities for St Louis Estate, is to be retained.

### Consultation

Community consultation is required to be undertaken through the following separate and subsequent statutory processes:

1. LDP – to be prepared with approval of the WAPC;
2. Scheme Amendment – following initiation of an amendment to implement recommendations of the Stirling Highway LDP and potentially to provide ancillary uses of consulting rooms at the retirement village; and
3. Development Application – addressing elements of a future application that may involve the Council (most likely the JDAP) exercising discretion relative to building height (cl.40 – see comment below) and cafe uses (SA in the Residential zone).

A separate engagement process has been undertaken by the owners of the Estate with its residents. This process (see Masterplan Resident Information Framework – Attachment 5) concludes on 20 November 2017 when the survey closes. From there, results are to be collated and analysed by the owners. Concern has been raised with the applicant that Council’s consideration of this matter prior to receiving the results of the resident survey is premature on the basis that comments raised by residents may influence Council’s consideration of this matter. The applicant has responded to this by indicating that the Town has the sole determining power on whether to approval (or

otherwise) an LDP (other than a SAT review). Accordingly, any comment raised by a resident of the Estate in relation to the proposed MP and LDP may be considered as part of Council's deliberations in reviewing public comments and determining the approval status of the LDP following the formal consultation period. Whilst this is true, Council may wish to consider matters raised by residents up front before initiating formal processes with regards to the proposed LDP.

It is noted that the MP is not subject to separate referral to government agencies including the Commission or Main Roads Western Australia (MRWA).

## Discussion

### Description

#### *Site Overview*

The land subject to the proposed MP comprises three land titles, all in common ownership of CHC (St Louis) Pty Ltd, described and currently developed as follows:

EXISTING SITE ARRANGEMENTS		
Lot	Land Area	Existing Development
Lot 901	28,417m <sup>2</sup>	128 independent living units – 40 grouped dwellings and 88 multiple dwellings.
		Homestead (heritage bungalow) with resident facilities and administration functions.
Lot 123	1,222m <sup>2</sup>	Single Dwelling (heritage bungalow)
Lot 200 (subject to two strata lots)	602m <sup>2</sup>	Duplex Pair

The existing built form comprises a mix of single storey, two-storey plus basement and three storey buildings. Collectively, the site has frontage to Stirling Highway, Dean and Albert Streets and Barnfield Road. Vehicle access is a combination of direct street frontage and internal accessways. Internal pathways provide pedestrian connectivity between resident facilities and accommodation units.

It is noted the adjacent Mont Clare aged care facility is under separate ownership and not part of the proposed MP area.

*Terms of Proposal*

The MP divides the subject site into three precincts:

PRECINCT	DESCRIPTION
North Precinct and South Precinct	No redevelopment proposals are planned within the foreseeable future. In this regard, the applicant notes:  <i>“The owners do not have plans for significant redevelopment of the northern and southern precincts of the estate in the foreseeable future, given the northern area contains attractive, mostly single level dwellings, and the southern area contains newer, modern buildings, including the Albert Street apartments and the Dean Street apartment.”</i>
Central Precinct	Refer to details below

The Central Precinct comprises 10,651m<sup>2</sup> (approximately 35% of the total site area). The MP provides for the following outcomes within the Central Precinct:

- Demolish existing grouped dwellings (19) and multiple dwellings (28).
- Retain the heritage listed bungalows at 13 Dean Street and 10 Albert Street.
- Remove an addition to the bungalow at 13 Dean Street, improving the heritage value of the building.
- Provide additional uses within the bungalow at 13 Dean Street such as medical consulting and potentially a café.
- Construct 75 multiple dwellings – based on floor areas ranging from 100 - 140m<sup>2</sup> (noting actual yield may ultimately vary depending on final design floor areas allocated per dwelling).
- Achieve a plot ratio area of 14,710m<sup>2</sup> (compared with 16,033m<sup>2</sup> achievable without concession under the existing R40 coding).
- Construction of 12 separate buildings:
  - Four buildings addressing the Albert Street frontage at two storey.
  - Four buildings set behind the buildings fronting Albert Street at three storey.
  - One building of three storey fronting Dean Street.
  - Two buildings set behind the buildings fronting Dean Street at four storey.
  - One building central to the site at eight storey.
- Provide 4m street setbacks to Albert and Dean Streets.
- Provide a central open space area, with smaller amenity areas distributed across the precinct.
- Provide car parking in-line with Scheme/R-Code requirements, predominantly within basements, with open air visitor parking.
- Reduce the Central Precinct number of crossovers from seven to three:
  - Albert Street - four crossovers reduced to two.



- Dean Street - three crossovers reduced to one.
- Improve pedestrian linkages with the North Precinct.
- Provide pedestrian and buggy links between all precincts.

The MP drawings identify building massing, and are not intended as representative of the architectural detail. The further detail in this regard, along with all other specific design detail will be set out within subsequent development application(s).

Technical reports in support of the MP include:

- 1 St Louis Estate – Preliminary Landscape Design Strategy, addressing:
  - Landscape design objectives
  - Proposed communal areas
  - Perimeter security
  - Lighting and signage
  - Access
  - Levels and retaining
  - At grade parking and vehicle access
  - Communal interaction spaces
  - Privacy
  - Boundary road treatments
  - Plant species selection
  - Sculptural elements
  - Outdoor furnishings
  - Cost/maintenance considerations.
  
- 2 St Louis Estate MP, Transport Report, addressing:
  - Proposed development form
  - Vehicle access and parking
  - Service vehicle provision
  - Traffic volumes
  - Public transport access
  - Pedestrian facilities
  - Cycling access
  - Safety
  - Staging of underground car parking.

The owners have engaged with residents of the retirement village as detailed in this report. It is noted that some of the units are unoccupied in anticipation of redevelopment.

### Assessment

The proposed MP sets out arrangement for redevelopment that will provide a higher standard of amenity and functionality for residents by renewing aging accommodation units.

The floor space/dwelling yield is well within the existing R40 coding, and as such, the plan does not seek to 'over-develop' the site, or require an R-Coding amendment to TPS3.

Building heights are graduated from street front locations to a maximum of eight storeys central to the site. Clause 40 of TPS3 provides height restrictions for residential development (6.6m) unless special circumstances are established to vary this height under cl.40(5). If the MP and LDP are approved (following LDP consultation), the LDP would provide for the special circumstance required to vary residential development heights and approve the development under TPS3.

Building massing is not expected to detract from amenity of surrounding property and the streetscapes when taking into account overshadowing, privacy, view and existing multi-level development. Heritage values will be maintained or improved. These matters, together with the following streetscape considerations would qualify the future development height variation proposals as special circumstances considerations under cl.40(5):

- The two storey heights for development fronting Albert Street are consistent with normal height allowances for development along that street.
- The proposal for three storey development for one block of dwellings fronting Dean Street is consistent with the streetscape as this development will be located next to the existing three storey Mont Clare development and adjacent to the ten storey block of flats.
- The centrally located four and eight storey buildings will be primarily shielded from the street by the two and three storey developments proposed along the street frontages of Dean and Albert Streets, and therefore have limited impact on the streetscape.

A rationalisation of existing crossovers will improve traffic management and offer more opportunity for kerb side parking. The traffic report indicates that traffic generation associated with a net increase of dwellings in the order of 28 will be minimal and well within the capacity of the surrounding road network.

### **Summary**

Based on the above, it is recommended that the MP be supported, subject to formal consultation being undertaken in association with an LDP. Council may consider any comment received from residents in relation to the MP and LDP in considering the future approval (or otherwise) of the LDP. In Council is uncomfortable in initiating the LDP processes prior to consideration of resident comments, it may be appropriate for

Council to defer this matter until the resident survey results are presented to Council for consideration.

Although the applicant has submitted a draft LDP along with the MP, the preparation of the LDP requires the approval of the WAPC. If Council is comfortable in initiating the LDP processes at this point it is recommended that the WAPC be requested to provide approval for the preparation of the LDP, after which the LDP be advertised for public comment and referred back to Council for further consideration.

Noting that the applicant has indicated additional uses may be considered for the heritage bungalow at Dean Street, it is recommended the applicant be advised that additional uses may require separate assessment and that support for the MP does not prejudice a future determination on a Scheme amendment addressing this matter.

**Voting Requirements**

Simple majority decision of Council required.

**Officer Recommendation**

**Moved Cr Goetze, seconded Cr Main**

**THAT Council:**

- a) **Support the terms of the proposed Masterplan for the St Louis Estate Retirement Village dated July 2017, subject to the following:**
  1. **Approval being granted by the Western Australian Planning Commission for the preparation of a Local Development Plan for the site as provided for by the *Planning and Development (Local Planning Scheme) Regulations 2015*.**
  2. **The Local Development Plan being advertised in accordance with the requirements of the *Planning and Development (Local Planning Scheme) Regulations 2015* and referred back to Council for determination.**
- b) **Advise the applicant that:**
  1. **All results of the Resident Surveys are to be submitted to Council for consideration along with all other public submissions received during the formal public consultation period.**
  2. **A Scheme Amendment may be required for ancillary uses identified for the bungalow at 13 Dean Street, which will be subject to separate consideration and determination.**
  3. **Any support for the Masterplan should not be construed as necessary support for additional uses.**
- c) **Formally request the Western Australian Planning Commission grant approval to the preparation of a Local Development Plan in accordance with *Planning and Development (Local Planning Scheme) Regulations 2015* for Lots 901, 123 and 200 Albert and Dean Streets respectively.**

**CARRIED(167/17)**

For: Mayor Barker, Cr Main, Cr Tulloch, Cr Goetze, Cr Kelly, Cr Mews, Cr Browne, Cr Edwards, Cr Franklyn.

Against: Cr Haynes.

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker reported on his attendance at the Christ Church Cabaret night, Claremont Remembrance Day Ceremony, and the Church of the Resurrection Remembrance Day Service.

Cr Haynes reported on his attendance at the Friends of Lake Claremont Lunch for Volunteers and the Seniors Golf Day event.

Cr Franklyn reported on her attendance at the WALGA Induction and Claremont Remembrance Day Ceremony.

Cr Browne reported on his attendance at the Claremont Remembrance Day Ceremony and the Church of the Resurrection Remembrance Day Service.

Cr Goetze reported on her attendance at Claremont Remembrance Day Ceremony, Seniors Golf Day event, and the Mofflin Park fencing opening.

Cr Maine reported on her attendance at Claremont Remembrance Day Ceremony and the Mofflin Park fencing opening.

Cr Tulloch reported on his attendance at the Claremont Remembrance Day Ceremony.

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

NIL

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**16 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF MEETING****16.1.1 WESTERN METROPOLITAN REGIONAL COUNCIL – APPOINTMENT OF DEPUTY DELEGATE**

*Cr Haynes nominated Cr Kelly for the position of Council's Deputy Delegate to the Western Metropolitan Regional Council.*

**MOTION**

**Moved Cr Haynes, seconded Cr Edwards**

**That Council appoint Cr Kelly as its Deputy Delegate to the Western Metropolitan Regional Council.**

**CARRIED(168/17)  
(NO DISSENT)**

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

*Cr Haynes declared a financial interest in the confidential item and left the room at 7.24PM.*

**MOTION**

**Moved Cr Edwards, seconded Cr Mews**

**That the doors be closed in accordance with section 5.23(2)(c) of the Local Government Act 1995, the meeting is closed to members of the public with the following aspect 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(169/17)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7.24PM.*

*Mr Vinicombe left the room at 7.24PM.*

*All members of the press left the room at 7.24PM.*

*All members of the public left the room at 7.24PM.*

*Mayor Barker reconvened the meeting at 7.25PM.*

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**17.1 CORPORATE AND GOVERNANCE****17.1.1 PORTION OF 30 LAPSLEY ROAD, CLAREMONT - LEASE OF PREMISES BY ASPIRE WA PTY LTD**

**File No:** COP/00029  
**Attachments:** Lease Sketch (Attachment 1)  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Peter Scasserra  
Coordinator Property and Leasing  
**Proposed Meeting Date:** 21 November 2017

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**Purpose**

The following item was considered in a closed session.

**Officer Recommendation**

**Moved Cr Kelly, seconded Cr Mews**

**That,**

- 1. Council surrender the existing lease of the premises relating to portion of Lot 900 on Plan 48900 commencing 1 March 2013 and authorise the Mayor and CEO to execute a new lease of the area detailed in Attachment 1 to Aspire WA Pty Ltd subject to the following conditions:**
  - 1.1. The term is for a period of five years commencing 1 March 2018 with a further five year option.**
  - 1.2. The annual rental is to be set at the rent payable under the current lease plus the current annual Consumer Price Index (CPI) for Perth.**
  - 1.3. Rental is to be adjusted annually in line with CPI increases for the first five year term, and a market rental review undertaken on commencement of the second five year term.**
  - 1.4. A new licence of the area comprising the lawn and embankment to the immediate east of the leased building to be granted to, and the area maintained by, the Lessee.**
  - 1.5. The Lessee is permitted to sublet areas within the leased area with the Town's consent.**
  - 1.6. The Lessee may, subject to all written laws and the Town's consent, store, serve, consume or permit to be consumed alcoholic beverages within the leased area with Town's consent.**
  - 1.7. Disposal (lease) of the area is meet the requirements of sections 3.58(3) & (4) of the *Local Government Act 1995*.**
  - 1.8. The Lessee shall upgrade the accessibility of the building and bring the following aspects into compliance with disability access**

standards as identified in the attached Disability Access Report dated 16 December 2014.

- a) Tactile Ground Surface Indicators (page 5)
  - b) Thresholds (page 5)
- 1.9. Prior to commencement of the work the lessee shall submit an application for a building permit for the proposed upgrade works.
- 1.10. Upon completion of the works the Lessee shall provide a report, from a suitably qualified private building surveyor, to verify the as-built works comply with the required disability access standards.
2. This report remain confidential pursuant to section 5.23(2)(c) of the *Local Government Act 1995* as item relations to a contract entered into, or which may be entered into, by the Council.

CARRIED(170/17)  
(NO DISSENT)

**MOTION**

**Moved Cr Kelly, seconded Cr Edwards**

**That the doors be opened.**

**CARRIED(171/17)  
NO DISSENT**

*The doors opened at 7.39PM.*

*Two members of the press re-entered the room.*

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

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