



**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
**TUESDAY 4 AUGUST, 2015**

**JOHN GIORGI, JP**  
**ACTING CHIEF EXECUTIVE OFFICER**  
**Date: 7 August 2015**

***Our Vision:***  
***Claremont will develop as a harmonious cosmopolitan town creating opportunities for community wellbeing and business prosperity; whilst respecting and celebrating the past.***



**DISCLAIMER:**

No responsibility whatsoever is implied or accepted by the Town of Claremont ('Town') for any act, omission, statement or intimation occurring during Council Meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Briefing or Council Meeting does so at their own risk.

The Town advises that anyone who has any application lodged with the Town must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

**PROCEDURE FOR PUBLIC SPEAKING TIME:**

The Town of Claremont Standing Orders Local Law prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting. Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time is strictly limited to three (3) minutes per member of the public, to ask questions.
3. Persons making a statement are allocated five (5) minutes.
4. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely, in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Town of Claremont Council Member or Town Employee
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be "taken on notice" and a response will be included in the Agenda of the next Ordinary meeting of the Council.

**MEETING ETIQUETTE:**

1. Please switch off your mobile phone or switch to the silent mode.
2. Members of the public should not converse aloud so as to interfere or interrupt the Council meeting.
3. Members of the public should refrain from interrupting any person asking a question or addressing the Council.

**RECORDING OF COUNCIL MEETINGS:**

- ♦ All Ordinary and Special Council Meetings are electronically recorded, except when the Council resolves to go into a confidential session.
- ♦ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office.

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**TOWN OF CLAREMONT  
ORDINARY COUNCIL MEETING  
4 AUGUST, 2015  
MINUTES**

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~ ORDER OF BUSINESS ~

**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 7:01 pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**ATTENDANCE**

**Mayor Jock Barker**

**Cr Karen Wood (West Ward)**

**Cr Peter Browne (West Ward)**

**Cr Peter Edwards (West Ward)**

**Cr Jill Goetze (South Ward)**

**Cr Paul Kelly (South Ward)**

**Cr Chris Mews (South Ward)**

**Cr Bruce Haynes (East Ward)(Deputy Mayor)**

**Cr Anita Lorenz (East Ward)**

**Mr John Giorgi, JP (Acting Chief Executive Officer)**

**Mr Hitesh Hans (Acting Executive Manager Corporate and Governance)**

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

**Mr Saba Kirupanather (Executive Manager Infrastructure)**

**Ms Katie Bovell (Governance Officer)**

**Twenty four adults and two children members of the public**

**Two members of the press**

**APOLOGIES**

**Cr Alastair Tulloch – Approved Leave of Absence**

**Mr Stephen Goode – Apology – On Leave**

### 3 DISCLOSURE OF INTERESTS

**An interest was declared by Cr Browne, for Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

*Nature of Interest: Impartiality.*

*Extent of Interest: Owns property in the area and previously attended the College.*

*Note: Legal advice has been received by the Town that Cr Browne has an Impartiality interest only and not a Proximity interest.*

**An interest was declared by Cr Haynes, for Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

*Nature of Interest: Impartiality.*

*Extent of Interest: Cr Haynes attended the College in 1957 and 1958.*

**An interest was declared by Cr Mews, for Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

*Nature of Interest: Impartiality.*

*Extent of Interest: Cr Mews previously attended the College.*

All Councillors have declared that as a consequence of their Impartiality Interest, there may be a perception that their impartiality on the matter may be affected. They have declared that they will consider the matter on its merit and vote accordingly.

**An interest was declared by Cr Browne, for Item No 13.3.5, Petition Regarding Proposed Installation of Car Parking Bays in Richardson Avenue, Claremont.**

*Nature of Interest: Proximity.*

*Extent of Interest: Owns property in the affected area.*

**An interest was declared by Mr David Vinicombe, Executive Manager Planning and Development, for Item No 13.2.1, Lot 5 (Shop 2, No. 53) Bay View Terrace, Claremont - Proposed Change of Use to 'Office', Internal Fitout and Signage for 'LJ Hooker'.**

*Nature of Interest: Impartiality.*

*Extent of Interest: By virtue of the Applicant's planning consultant is a former employee of the City of Bayswater and Mr Vinicombe has known him for more than 30 years.*

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

NIL

### 5 PUBLIC QUESTION TIME

NIL

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## 6 PUBLIC STATEMENT TIME

**Mr Richard Pawluck, 22 King Albert Road, Trigg.**

**Re: Item No 13.2.1, Lot 5 (Shop 2, No. 53) Bay View Terrace, Claremont - Proposed Change of Use to 'Office', Internal Fitout and Signage for 'LJ Hooker'.**

Mr Pawluck spoke in favour of the proposed development application on behalf of the Applicant.

He supports the officer's recommendation with one change and that is for the approval to be for 10 years to coincide with the lease that has been signed.

Considers there are extenuating circumstances that apply to this situation. The Scheme gives Council discretion to allow an office use.

Clause 23 allows an office use and it is not practical to have a retail use. This tenancy has been vacant for about 4 years (apart from a trial/pop up furniture/art gallery) and there is no interest from retail tenants. There are 5 other vacant shops at this end of Bay View Terrace. This particular site is the most prominent facing the corner and its continuing vacancy reflects badly on the town centre. A real estate office will activate this otherwise dead corner and add to the vibrancy of the area.

Two adjacent shop owners have signed letters supporting this application because they want a dead corner re-activated.

Requested an open ended approval for the change of use. If however Council wishes to review the situation at some stage in the future he respectfully requests approval for 10 years to coincide with the signed lease.

**Ms Vivien Yap, 2, 53 Bay View Terrace, Claremont.**

**Re: Item No 13.2.1, Lot 5 (Shop 2, No. 53) Bay View Terrace, Claremont - Proposed Change of Use to 'Office', Internal Fitout and Signage for 'LJ Hooker'.**

Ms Yap spoke in favour of the proposed development application. Stated she has signed a ten year lease and requested Council approve of a ten year term. Stated she would activate the shop front.

**Ms Heidi Hardisty, 12A Myera Street, Claremont.**

**Re: 13.2.2, Proposed Scheme Amendment No: 132 - Changes to Residential Development Provisions.**

Ms Hardisty spoke on some concerns with the proposed Scheme Amendment.

Stated she is quite concerned that the current Residential Design Codes (RDC) and other state planning laws do not always have the interests of the local community at heart.

For the community's sake, I would ask that the council scrutinize each and every motion to ensure that you fully understand the impacts of the changes you are making to the residential development provisions. Please object to changes that would see local government losing more of its decision making powers.

Requests Council, keep what little community powers we have left until state planning laws are improved.



**Dr Alec O’Connell, 72 Shenton Road, Swanbourne.**

**Re: Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

Dr O’Connell spoke in favour of the proposed development application. Stated the College understands Council is dealing with the bigger issue of traffic congestion. Acknowledged by the College four years ago with the spending of 4.5m on improving traffic congestion. Further enhanced through working with families encouraging other transport sources and alternative drop off pick up location. The solution submitted in the D/A is a compromise as the traffic consultant offered an alternative option. The college believe this submission to be a better solution to congestion and the community.

**Mr Alan Nelson, 28A Stirling Street, Swanbourne.**

**Re: Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

Mr Nelson spoke against the proposed development application. Stated that there is a serious traffic management issue in the area. In the last twelve months the problem has increased. New restrictions are not supported by the residents as it does not allow them to park on the road or verge outside their house. Recommended that alternatives be explored such as reopening the east west internal road opening the Shenton road slip road a and reviewing the traffic generated by the

**Ms Doug Forster, Richardson Avenue, Claremont.**

**Re: Item No 13.3.5, Petition Regarding Proposed Installation of Car Parking Bays in Richardson Avenue, Claremont.**

Mr Forster spoke on behalf of the Petitioners in support the officer recommendation. Stated that the Petitioners endorse the formation of a working party and promote participation from the two schools. The parking bay proposal is high risk. Alternatives should be assessed to find the best solution to the issue of access and parking to the schools.

**Mr Ken Craig, 124 Guger Street, Claremont.**

**Re: 13.3.3, Guger Street/Loch Street/Railway Road Intersection Modification – City of Nedlands – Federal Black Spot Submission**

Mr Craig spoke against the officer recommendation. Requested Council defer the item to allow time to seek professional advice on the matter, as he has only been made aware of Council’s position. There is a lack of consultation with both of the 2 business’s (Diamond Hire and McCarthy Panel and Paint) and your council, the City of Nedlands and the Department of Main Roads.

**Ms Heidi Hardisty, 12A Myera Street, Claremont.**

**Re: Item No 13.2.3, Lot 400 (No. 31) Shenton Road, Swanbourne (Entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College.**

Ms Hardisty spoke against the proposed development application. Stated she is the Coordinator of the Friends of Lake Claremont Committee and opposes the proposal. There has been removal of some native trees from Scotch College.

**Ms Claire Brittain, 3/20 Richardson Avenue, Claremont.**

**Re: Item No 13.3.5, Petition Regarding Proposed Installation of Car Parking Bays in Richardson Avenue, Claremont.**

Ms Brittan spoke against the proposal. Stated that traffic around the College is a serious problem which needs to be addressed. Many of the parents, who do not live in Claremont, drive their children to the school and this should be discouraged.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Mews, Seconded Cr Wood**

**That the Minutes of the Ordinary Meeting of Council held on 21 July 2015, be confirmed.**

**CARRIED(132/15)  
(NO DISSENT)**

**Moved Cr Mews, Seconded Cr Browne**

**That the Minutes of the Special Meeting of Council held on 23 July 2015, be confirmed.**

**CARRIED(133/15)  
(NO DISSENT)**

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

NIL

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

NIL

**12 REPORTS OF COMMITTEES**

NIL

**13            REPORTS OF THE CEO**

**13.1          CHIEF EXECUTIVE OFFICER**

**13.1.1       2015 REVIEW OF STRATEGIC COMMUNITY PLAN AND CORPORATE  
BUSINESS PLAN**

**File Ref:**                                **COM00035**

**Attachments:**                        [001. Strategic Community Plan – ‘Claremont Ahead 2023’](#)  
[002. Corporate Business Plan 2015-16 to 2018-19](#)

**Responsible Officer:**                **Stephen Goode**  
**Chief Executive Officer**

**Author:**                                 **Stephen Goode**  
**Chief Executive Officer**

**Proposed Meeting Date: 4 August 2015**

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**Purpose**

For Council to approve the review of the Town’s two key documents that form part of the Integrated Planning and Reporting Framework; as per the requirements under the *Local Government Act 1995*.

These integrated documents are:

- Strategic Community Plan – ‘Claremont Ahead 2023’ (Attachment 001)
- Corporate Business Plan 2013-14 to 2016-17 (Attachment 002)

**Background**

The Integrated Planning and Reporting Framework and Guidelines were developed as part of the State Government’s Local Government Reform Program; reflecting a nationally consistent approach to integrated planning. The framework is a positive legacy of the otherwise unexceptional reform program.

As a minimum requirement, local governments are required to develop a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP). The Town’s SCP has a lifetime of ten years, i.e. until 2023. A review is required two years after adoption with a full review (including community consultation). The CBP has a four year life and is reviewed annually. If there are changes to the CBP it is to be approved by Council.

**Discussion**

The Strategic Community Plan was developed over a period of fifteen months. It included an extensive community consultation strategy, ‘Jump in and Have Your Say’. The process followed with analysis of the data received from stakeholders, in addition to reviewing the Town’s existing plans, policies and relevant documents. Alongside of this process other elements of the Integrated Process (Workforce Plan and Asset Management Plan) were being developed.

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When Council had endorsed the Draft SCP, the Corporate Business Plan was prepared. Both were endorsed by Council in June 2013.

The Town's Strategic Community Plan – Claremont Ahead 2023 is the highest-level plan that has been informed by the community's main priorities and aspirations for the future. It is a visionary document with a ten year time frame, and includes the Town's vision, mission, values and five key goal areas. (Please refer to Diagram 1: Claremont Ahead 2023 – Five Key Areas).

**Diagram 1: Claremont Ahead 2023 – Five Key Areas**



Although a review of the SCP is required in 2015, because two years has passed, the long term nature of the Plan means that, there having been no significant developments to require a change of Council's long term direction, changes to the SCP are not proposed.

The Corporate Business Plan 2013-2014 to 2016-2017 is a four year plan that identifies and prioritises the principal strategies and activities the Town will undertake in response to the aspirations and objectives stated in the Strategic Community Plan. This detailed Plan states the services, operations and projects that the Town will deliver over the four year life of the Plan. The performance indicators to measure our success, and the resources required have also been identified. The Organisational Structure has been updated to reflect those change implemented over the past two years. Equally, the Financial Plan has been revised to recognise changes against the original plan, introduction of new strategies, and refinement of earlier assumptions. This Plan has been reviewed and the new timeline set to present a new document for endorsement, being the Corporate Business Plan 2015-2016 to 2018-2019.

The CBP adopted in 2013 provided a strong direction for the Town’s officers and action based on the Plan, is monitored with a formal quarterly report to the CEO from each senior responsible officer. Of the 118 objectives set out in the Plan, 14 had a definite timeline and have been completed, 94 have been commenced and are ongoing, while 10 have yet to be commenced (see the following table).

	Commenced and Ongoing	Completed (strategy had a finite timeframe)	Not Commenced and Carried Forward
Liveability	16	3	5
Prosperity	15	-	-
People	22	2	-
Environment	13	2	3
Leadership & Governance	28	7	2

New strategies in the new plan include:

1.1.3 Review the approved budget allocation for footpaths (to close the gap between the need identified in the Asset Management Plan and available funding. Also to ensure alignment with Council priorities for implementation of works).

1.1.9 Report for Council to consider a coordinated approach to parking provision, restrictions and enforcement throughout all residential precincts.

1.1.10 Complete underground power for the Town (subject to State Government funding).

1.1.11 Seek alternatives for a Town depot and prepare a report for a Council decision.

1.2.3 Work in partnership with RSL and funding partners to relocate the War Memorial into Claremont Park.

1.4.2 Undertake consultation and research that leads to the development of a draft path network for pedestrians and bicycles.

3.1.1 Undertake the outcomes of the 2015 Feasibility Study of the Claremont Aquatic Centre.

3.1.3 Undertake planning for the recreation uses of the Lake Claremont Parkland, and implement final plan.

3.1.4 Present option to council for Par 3 golf course for upgrade and new management, or alternatives.

4.1.2 Investigate the utilisation of solar power in a comprehensive manner to reduce the Town’s carbon footprint.

4.5.2 Review and implement the Lake Claremont (Environmental) Management Plans.

5.1.2 Actively seek opportunities for resource sharing that provides benefits.

5.3.3 Recruit and manage a Business Improvement Officer to lead the Claremont way projects that ultimately improve efficiency and effectiveness.

5.3.6 Undertake construction and implementation of a new, customer focussed website.

### **Past Resolutions**

Ordinary Council Meeting 18 June 2013, Resolution 117/13:

*That Council adopts the Town's two key documents that form part of the Integrated Planning and Reporting Framework; as per the requirements under the Local Government Act 1995. That being:*

- *Strategic Community Plan – 'Claremont Ahead 2023';*
- *Corporate Business Plan 2013-14 to 2016-17.*

Ordinary Council Meeting 19 March 2013, Resolution 48/13:

*That Council approves the community consultation strategy for the Draft Strategic Community Plan – 'Claremont Ahead 2023'.*

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation for 2015-2016. In future years funding will be sourced through the annual budget process which in turn is driven by the Integrated Planning Framework.

### **Policy and Statutory Implications**

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

### **Publicity**

The development of the SCP and the CBP involved extensive consultation and engagement with the Town's community. This review does not require formal consultation.

### **Urgency**

Council endorsement of the revised Corporate Business Plan is required.

### **Voting Requirements**

Absolute majority decision required.

## **OFFICER RECOMMENDATION**

That Council:

1. Having reviewed the Strategic Community Plan – ‘Claremont Ahead 2023’, as shown in Attachment 001, ENDORSES it without amendment; and
2. ENDORSES the Corporate Business Plan 2015-16 to 2018-19, as shown in Attachment 002.

## **ALTERNATIVE MOTION**

**Moved Cr Mews, Seconded Cr Browne**

That Council:

1. Having reviewed the Strategic Community Plan – ‘Claremont Ahead 2023’, as shown in Attachment 001, ENDORSES it without amendment; and
2. ENDORSES the Corporate Business Plan 2015-16 to 2018-19, as shown in Attachment 002, and approve Item 1.2.3 subject to any proposal to move the War Memorial needs to be subject to a full referendum of all Claremont Ratepayers.

Debate ensued.

**ALTERNATIVE MOTION CARRIED(134/15)  
(NO DISSENT)**

**Reason for changing the Officer Recommendation:**

To allow the community to vote on this important issue.

## 13.2 PLANNING AND DEVELOPMENT

*Mr David Vinicombe, Executive Manager Planning and Development declared an impartiality interest in Item 13.2.1 by virtue of the applicant being a former employee.*

### 13.2.1 LOT 5 (SHOP 2, NO. 53) BAY VIEW TERRACE, CLAREMONT - PROPOSED CHANGE OF USE TO 'OFFICE', INTERNAL FITOUT AND SIGNAGE FOR 'LJ HOOKER'

<b>File Ref:</b>	<b>A-0474/DA2015.00092</b>
<b>Attachments - Public:</b>	<a href="#">001. Location Plan</a> <a href="#">002. List of offices and businesses at ground level in and around the town centre</a> <a href="#">003. Photograph</a>
<b>Attachments – Restricted:</b>	<a href="#">004. Plans</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>4 August 2015</b>
<b>Date Prepared:</b>	<b>24 July 2015</b>
<b>60 Days Due Date:</b>	<b>22 August 2015</b>
<b>Property Owner:</b>	<b>Rosalie Edwards</b>
<b>Submitted By:</b>	<b>Ben Linnenbank Constructions</b>
<b>Area of Lot:</b>	<b>703m<sup>2</sup></b>
<b>Zoning:</b>	<b>Town Centre and Metropolitan Region Scheme Reserve (Primary Regional Roads)</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Town Planning Scheme No. 3 (TPS3)</b> <b>Local Law Relating to Signs (LLRS)</b> <b>Town Centre Signage Policy - PS202</b>

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### Summary

- Application for planning approval has been received to change the use of the subject tenancy from 'Restaurant' to 'Office' for LJ Hooker, real estate agent. The proposal includes minor internal and external alterations to the existing building and signage.
  - Proposed use is supported in accordance with clause 23 of TPS3 relating to the Town Centre.
  - Application is recommended for approval, subject to relevant conditions.
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## Purpose

The application proposes the change the use of the subject tenancy from 'Restaurant' to 'Office' for LJ Hooker, real estate agents. Including associated internal alterations and signage.

The application requires the Council's determination as the application was 'called up' by an Elected Member of Council in response to a Delegated Report recommending approval of the proposal on 10 July 2015. The 'call up' is proposed to consider clause 23 of TPS3 in relation to the proposed 'Office' use. The application was referred to the Council meeting on 21 July 2015, but was withdrawn from consideration by the Town's Officer's to allow further investigation concerning parking compliance.

## Background

The following table outlines key dates regarding this application:

Date	Item/Outcome
23 June 2015	Planning Application received by Town.
1 July 2015	Application undergoes internal DCU assessment
10 July 2015	Delegated Report referred to Council for comment
13 July 2015	Council call up on Delegated Report
14 July 2015	Report prepared for Council
24 July 2015	Revised report prepared for Council.

## Past Resolutions

There are no previous Council resolutions relevant to this application.

## Heritage

The property is listed in the Local Government Heritage Inventory as a property of 'Considerable' Significance within the Bay View Terrace Precinct which is a Category 'B' Precinct. The property is also listed in the TPS3 Heritage Schedule. As such the application was referred to the Town's Heritage Officer for comment. It is advised that the proposal involves minor, reversible alterations to the existing building which will not adversely impact on the significance of the property or the Precinct and can be supported. Accordingly, there are no objections to the proposed additions and alterations.

## Consultation

The application was not advertised in accordance with Council Policy LG525 as the owner of the subject tenancy is the owner of the adjacent tenancies along Bay View Terrace and Stirling Highway. In this instance the applicant was advised to consult with the adjoining tenant on Bay View Terrace, and a letter of non-objection was received.

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

The site is located partially within a Metropolitan Region Scheme (MRS) reserve for 'Primary Regional Road' (PRR). Under the Planning and Development Act (PDA) MRS Instrument of Delegation (Del 2011/02), the Council has delegated authority to approve development within or adjacent to the Stirling Highway MRS reservation

subject to any decision being consistent with the comment and recommendation of Main Roads WA (MRWA).

The application has been referred to MRWA for comment. MRWA advised that they have no objection to the proposed additions and alterations subject to the following conditions:

1. The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.
2. If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m<sup>2</sup> and may not flash, pulsate or chase.
3. Main Roads agreement is to be obtained prior to any modifications.
4. The device shall not contain fluorescent, reflective colours or materials.
5. No unauthorised signage is to be displayed.

If Council supports this application, it is recommended that any approval be conditioned to comply with the above MRWA requirements.

## **Discussion**

### Description

Approval is sought to change the use of the existing vacant 'Restaurant' tenancy to 'Office' for an 'LJ Hooker' flagship office.

Proposed alterations to the building include:

- a.) An internal fit-out, including a reception area accessible from Bay View Terrace
- b.) Repainting of the external facade in 'Dulux Tea House' with mouldings and the awning being repainted 'Black' – refer Attachment 004.
- c.) Non-illuminated horizontal sign displaying the LJ Hooker logo on a black background located on the Stirling Highway facade.
- d.) Two illuminated under awning signs displaying the LJ Hooker logo on a black background located at the Bay View Terrace entry and along the Stirling Highway frontage.
- e.) Associated window signage and obscure glazing (Stirling Highway aspect only).

### Compliance

The proposal is considered to comply with the provisions of the TPS3, other than with regards to minor variances to Council Policy and Local Law requirements relating to signage (see details below).

### Use

Under TPS3 an 'Office' is defined as a building or part of used for the conduct of the administration requirements or the secretarial or accounting services of a business or industry, the practice of a profession or the provision of services which do not require continuing public attendance at the premises.

The entire property is located in the MRS reserve for 'Primary Regional Road' (PRR), located to the south of the Town Centre zone. Appendix VI of TPS3 includes the property in the town centre zone and within the "Shopping Policy Area".

The relevance of the "Shopping Policy Area" relates to the determination of discretionary uses within the Town Centre zone. Despite the technical location of the lot in the PRR, the intent of the Scheme is clear in that an 'Office' is a permitted use in the town centre subject to the provisions of clause 23 (if not for the MRS reservation, the land would be within the Town Centre zone) which states that:

*"In the Local and Town Centre Zones (Shopping Policy Area) the Council shall not approve of the use of land for an Office or Dwelling (Self Contained) unless:*

- (1) that use is confined to a floor or floors of a building above ground floor level; or*
- (2) it is not practical to use the land or building in respect of which the application for planning approval is made for retail shopping purposes at ground level."*

The subject tenancy has been vacant for a number of years (see detail below) along with a number of other retail tenancies in the southern end of Bay View Terrace in the Town Centre. The applicant has advised the Town that the proposed tenancy will be the flagship office for LJ Hooker and has been designed, internally and externally, to compliment the Claremont Town Centre. The proposed fit-out includes a reception area fronting Bay View Terrace, including a large waiting area and permeable shopfront allowing views into the tenancy.

It is envisaged that the proposed use will assist in the promotion of pedestrian activity in the south end of Bay View Terrace similar to a retail tenancy, in addition to upgrading the visual appearance of the building and entrance to Bay View Terrace from the south.

The applicant has advised the Town that they have entered into a ten year lease on the property. Council may consider limiting any approval for any period to allow it to reconsider the use at the end of that term with an option to grant an unlimited approval. The previous (withdrawn) report recommended an initial period of five years which, despite the applicant's lease period of 10 years, is not considered unreasonable as the primary consideration of Council is whether the tenancy is viable for other preferred uses. Temporary approval would provide Council an option to review the applicability of the use relative to clause 23 at the end of this term and determine whether the retail market has regained sufficient strength to support the alternative uses of retail (or other uses not subject to clause 23 considerations such as restaurant) in Bay View Terrace.

As part of the clause 23 considerations, some concern has been expressed with regard to the desirability of an office use at the ground level within the Shopping Policy Area. Arguably, office use is similar to, or more desirable in this location than other commercial uses which are not constrained by clause 23 considerations. These uses include consulting room (similar in nature to an office), day care centre, dry cleaning premises, educational establishment, fish shop, funeral parlour, hotel/tavern, motel, recreation indoor and outdoor, religious purposes, residential building (institutional accommodation), restaurant, service station, small bar, and vehicle sales.

A survey of ground floor offices and business in and around the Town Centre was conducted on 24 July 2015 (refer Attachment 002). A total of 34 businesses which are similar to office uses (six real estate agents, six travel agents, six banks and 16 other types of offices) were counted. Whereas the travel agents and banks are located in the Shopping Policy Area, all other businesses were located outside the Shopping Policy Area.

Whilst it is noted that a bank is defined by TPS3 as a shop, a real estate agent is similar in many ways to a travel agent. Both have a retail activity which is highly driven by market exposure at ground level and morph between the two land uses of shop and office. Essentially both estate and travel agents are in the marketing game for their respective products.

Despite these nuances, the Council needs to determine whether the temporary use of the property for a real estate office is something which is more or less desirable than a vacant space at the southern entrance of the town centre. Further, despite the location of the property, which gives good exposure to traffic on Stirling Highway, the tenancy has been vacant for a number of years (the owner advises that the former dress shop was vacated approximately four years ago and was empty for a period of six months before being occupied by a pop-up gallery for approximately eight months until May 2014 – since this time the tenancy has been vacant).

It is considered that at this point in time it is impractical to use the tenancy for retail shopping purposes and given that the proposed tenant has the potential to stimulate pedestrian activity similar to a retail store, the proposed use is considered to comply with clause 23(2) and may be approved. The alternative may be that the tenancy remains vacant for a further extended period.

#### Car Parking

In accordance with Table 2 of TPS3 an 'Office' is required to provide car parking in the Town Centre at a rate of one bay per 30m<sup>2</sup> of gross leasable area. The subject tenancy is approximately 114m<sup>2</sup> which would result in four on-site bays being required.

The tenancy has an existing approval for use as a 'Restaurant', which technically requires the provision of parking at a rate of one bay per 12.5m<sup>2</sup> or one bay per four seats. It is noted that the previously approved use required a total of 13 bays, based on the number of seats provided at that time.

A review of previous planning approvals for the property has revealed that the recorded on-site parking requirement is 36 bays. Cash-in-lieu has been paid for one bay and three bays exist at the rear of the property; resulting in a shortfall of 32 bays.

As indicated above, the parking requirement for an office is 4 bays and considerably less than the former approved restaurant (requiring 13 bays). If this application is approved, the base parking requirement for the property is accordingly reduced to 27 bays. Taking into account proposals for parking concessions recently initiated by Council under Amendment No. 123, and as the land is technically in the MRS PRR and accordingly not strictly subject to TPS3 parking requirements (acting as guidance

only), the base parking requirement of 27 bays can be reduced by 20% (5 bays) and by the cash-in-lieu bay to 21; representing a shortfall of 18 bays.

Technically the shortfall in parking has resulted from historic circumstances which are beyond the scope of enforcement at this time. This is due to the former approval for a restaurant in this tenancy, which was granted without a requirement for additional parking. Given the proposed use requires eight less bays than the existing approved use, the proposal is pragmatically supported under 'status quo' considerations.

### Signage

The proposed signage complies with the Town of Claremont Local Law Relating to Signs (LLRS) with the exception of the proposed under verandah signs and window signage.

In accordance with the LLRS the under awning sign shall be not greater than 1.8m in width and achieve a minimum clearance above the existing footpath level of 2.7m. The proposed under verandah signs located on both the Bay View Terrace and Stirling Highway frontage are 2m in length with the sign located along Stirling Highway being less than 2.7m above the existing footpath level. Council could support a variation to the size requirement by consideration of Council Policy PS202 – Town Centre Signage. Given that the Town's preferred use for this location is retail or restaurant uses, no variation to the signage requirements are supported. With regard to the minimum clearance above footpath level requirement, this is not supported due to pedestrian safety considerations. It is therefore recommended that any approval be conditioned to require the under verandah sign(s) having a minimum clearance of 2.7m above the existing footpath level and that the signage be reduced in size to comply with LLRS.

In addition to the above, the LLRS requires that window signage shall not exceed 25% of the area of all windows of the building or 50% of each individual window. The proposed window signage to Stirling highway does not illustrate any artwork at this stage. It is recommended that the any approval be conditioned to require the windows be obscured with permeable tinting or reduced to 50% of the individual window where advertising content is proposed. Details of the window treatments are to be submitted for approval prior to the issue of a sign license.

### **Conclusion**

Based on the above, it is considered that the proposal will enhance the visual appearance of the subject building and the proposed use will assist to activate the southern end of the Bay View Terrace shopping precinct. As such, it is recommended that a temporary five year approval be granted subject to the conditions in the officer's recommendation.

### **Voting Requirements**

Simple majority decision required.

### **Moved Cr Wood, Seconded Cr Browne**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council grant planning APPROVAL for a proposed change of use from ‘Restaurant’ to ‘Office’, external and internal alterations and associated signage for ‘LJ Hooker’ at Lot 5 (Shop 2, No. 53) Bay View Terrace, Claremont, subject to the following conditions and advice notes:**

- 1. This approval is limited to a period of five years from the date of this approval, after which the continued use of the tenancy for an office use will require review and Council approval in the context of the retail market and reconsideration of clause 23 of Town Planning Scheme No. 3;**
- 2. The proposed under verandah sign(s) to have a maximum width of 1.8m, maximum height of 2m: and minimum clearance of 2.7m above the existing footpath level. Details to be provided with an application for a Sign Licence;**
- 3. The proposed window signage along Stirling Highway to be permeable obscured tinting with no advertising content or reduced to a maximum coverage of 50% of the individual window with any proposed advertising content to be submitted and approved prior to the issue of a Sign Licence;**
- 4. Prior to the submission of an application for a building permit or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the Town. The Construction Management Plan must address the following matters, where applicable:**
  - (a) Site plan, public safety and security;**
  - (b) Contact details of essential site personnel, construction period and operating hours;**
  - (c) Community information, consultation and complaints management Plan;**
  - (d) Noise, vibration, air and dust management;**
  - (e) Traffic, access and parking management;**
  - (f) Waste management and materials re-use;**
  - (g) Asbestos removal management Plan; and/or**
  - (h) Any other matter deemed relevant by the Town;**
- 5. The Construction Management Plan as approved by the Town must be complied with at all times during development;**
- 6. This approval is valid only if the development is substantially commenced within 24 months of the date of approval;**
- 7. In all other respects, development is to occur in accordance with the drawings submitted with the application for Planning Approval (Planning Application 2015/0092), as amended by these conditions; and**
- 8. The colour of the external facade of the premises is to be painted ‘Dulux Tea House’ with the mouldings and awning to be ‘Black’, as shown in Attachment 004.**

**ADVICE NOTES:**

- (i) This is an approval to commence development only, and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Building Permit applications for non-residential development **MUST** be certified prior to submission.
- (ii) A Sign Licence is to be obtained from the Town's Building Services Unit prior to the erection/installation of any signage.
- (iii) Applicant is advised that Main Roads WA require compliance with the following:
  - a) The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.
  - b) If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m<sup>2</sup> and may not flash, pulsate or chase.
  - c) Main Roads agreement is to be obtained prior to any modifications.
  - d) The device shall not contain fluorescent, reflective colours or materials.
  - e) No unauthorised signage is to be displayed.

**MRWA Advice Notes:**

The property is significantly affected by the existing Metropolitan Region Scheme (MRS). However, MRS Major Amendment 1210/41 proposes to decrease the current MRS land requirement as shown on Drawing No. 1.7146. This is still subject to the completion of the amendment process. Further information on amendment 1210/41 is available on the Department of Planning's website.

The project for the upgrading/widening of Stirling Highway is currently not in Main Roads Four Year Estimated Highway Metropolitan Program and all projects not listed is considered to be long term. Please be aware that timing information may be subject to change and the Main Roads accepts no liability whatsoever for the timing information provided.

- (iv) The applicant/owner is advised of the following health requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
  - a) Works that are to be undertaken on site are to comply with the *Environmental Protection (Noise) Regulations 1997*;
  - b) All plant and machinery (such as air conditioners and pool pumps) being suitably sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
  - c) Under the *Environmental Protection (Noise) Regulations 1997*, no work is to be permitted or suffered to be carried out:
    - i. Before 7:00am or after 7:00pm between Monday and Saturday inclusive; or

- ii. On a Sunday or public holiday.
- (v) Should the Applicant be aggrieved by any conditions imposed by Council's decision, the Applicant is advised that it may have the right of review. Such a review should be lodged with the State Administrative Tribunal within twenty eight (28) days of this approval. The appeal forms are available from the Department of Justice web site at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)."

## AMENDMENT

Moved Cr Edwards, Seconded Cr Haynes

That condition 9 be added to read the following –

“Any application to renew or extend the use now approved must be accompanied by a submission dealing amongst other things with the following:

- a) an analysis of tenancy conditions in the Bay View Terrace shopping precinct, including the number of real estate agencies and the percentage of vacant premises;
- b) any relevant change in the provisions of the Town's local planning scheme;
- c) any relevant planning policy which would be applicable to the premises if they were zoned 'Town Centre' under the Town's local planning scheme; and
- d) whether the economic climate which underpins the Town Centre objectives for Bay View Terrace to function as a specialised shopping area is conducive to the re-establishment of a retail use in the premises.”

Debate ensued.

## AMENDMENT PUT AND LOST

For the Amendment: Crs Edwards, Goetze, Haynes and Kelly.

Against the Amendment: Mayor Barker and Crs Browne, Lorenz, Mews, and Wood.

## RETURN TO THE PRIMARY MOTION

THAT Council grant planning APPROVAL for a proposed change of use from 'Restaurant' to 'Office', external and internal alterations and associated signage for 'LJ Hooker' at Lot 5 (Shop 2, No. 53) Bay View Terrace, Claremont, subject to the following conditions and advice notes:

1. This approval is limited to a period of five years from the date of this approval, after which the continued use of the tenancy for an office use will require review and Council approval in the context of the retail market and reconsideration of clause 23 of Town Planning Scheme No. 3;
2. The proposed under verandah sign(s) to have a maximum width of 1.8m, maximum height of 2m: and minimum clearance of 2.7m above the existing footpath level. Details to be provided with an application for a Sign Licence;



3. The proposed window signage along Stirling Highway to be permeable obscured tinting with no advertising content or reduced to a maximum coverage of 50% of the individual window with any proposed advertising content to be submitted and approved prior to the issue of a Sign Licence;
4. Prior to the submission of an application for a building permit or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the Town. The Construction Management Plan must address the following matters, where applicable:
  - (a) Site plan, public safety and security;
  - (b) Contact details of essential site personnel, construction period and operating hours;
  - (c) Community information, consultation and complaints management Plan;
  - (d) Noise, vibration, air and dust management;
  - (e) Traffic, access and parking management;
  - (f) Waste management and materials re-use;
  - (g) Asbestos removal management Plan; and/or
  - (h) Any other matter deemed relevant by the Town;
5. The Construction Management Plan as approved by the Town must be complied with at all times during development;
6. This approval is valid only if the development is substantially commenced within 24 months of the date of approval;
7. In all other respects, development is to occur in accordance with the drawings submitted with the application for Planning Approval (Planning Application 2015/0092), as amended by these conditions; and
8. The colour of the external facade of the premises is to be painted 'Dulux Tea House' with the mouldings and awning to be 'Black', as shown in Attachment 004.

**ADVICE NOTES:**

- (i) This is an approval to commence development only, and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Building Permit applications for non-residential development **MUST** be certified prior to submission.
  - (ii) A Sign Licence is to be obtained from the Town's Building Services Unit prior to the erection/installation of any signage.
  - (iii) Applicant is advised that Main Roads WA require compliance with the following:
    - a) The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.
    - b) If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m<sup>2</sup> and may not flash, pulsate or chase.
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- c) Main Roads agreement is to be obtained prior to any modifications.
- d) The device shall not contain fluorescent, reflective colours or materials.
- e) No unauthorised signage is to be displayed.

**MRWA Advice Notes:**

The property is significantly affected by the existing Metropolitan Region Scheme (MRS). However, MRS Major Amendment 1210/41 proposes to decrease the current MRS land requirement as shown on Drawing No. 1.7146. This is still subject to the completion of the amendment process. Further information on amendment 1210/41 is available on the Department of Planning's website.

The project for the upgrading/widening of Stirling Highway is currently not in Main Roads Four Year Estimated Highway Metropolitan Program and all projects not listed is considered to be long term. Please be aware that timing information may be subject to change and the Main Roads accepts no liability whatsoever for the timing information provided.

- (iv) The applicant/owner is advised of the following health requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
  - a) Works that are to be undertaken on site are to comply with the *Environmental Protection (Noise) Regulations 1997*;
  - b) All plant and machinery (such as air conditioners and pool pumps) being suitably sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
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    - i. Before 7:00am or after 7:00pm between Monday and Saturday inclusive; or
    - ii. On a Sunday or public holiday.
- (v) Should the Applicant be aggrieved by any conditions imposed by Council's decision, the Applicant is advised that it may have the right of review. Such a review should be lodged with the State Administrative Tribunal within twenty eight (28) days of this approval. The appeal forms are available from the Department of Justice web site at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

Debate ensued.

**CARRIED(135/15)**

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

### 13.2.2 PROPOSED SCHEME AMENDMENT NO: 132 - CHANGES TO RESIDENTIAL DEVELOPMENT PROVISIONS

<b>File Ref:</b>	<b>LND/00110</b>
<b>Attachments:</b>	<a href="#">001. Table of Proposed TPS3 Amendments</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>Julia Kingsbury</b> <b>(Former) Manager Planning</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>
<b>Date Prepared:</b>	<b>21 May 2015</b>
<b>Financial Implications:</b>	<b>Advertising Costs</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b><i>Town Planning Regulations 1967 (TP Regs)</i></b> <b><i>Town Planning Scheme No. 3 (TPS3)</i></b> <b><i>Residential Design Codes (RDC)</i></b> <b><i>Model Scheme Text (MST)</i></b>

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#### **Summary**

- The purpose of the report is for Council to consider initiation of an amendment to Town Planning Scheme No. 3 (TPS3) to modify various clauses of the scheme relating to residential development to improve the operational efficiency of planning services in the Town.
- The proposed changes relate to residential provisions in the TPS3 that are more appropriately covered by the Residential Design Codes (RDC); the introduction of Ancillary Accommodation (currently prohibited under TPS3); modifications to residential provisions to provide clarity and modifications to the density bonus provisions relative to heritage places to include subdivision.
- Where possible, proposed amendments have used the wording of the Model Scheme Text (MST) modified where appropriate to address specific planning concerns relative to the Town. The *Town Planning Regulations 1967 (TP Regs)* require that all new schemes comply with the MST (except where the Minister approves variations or exclusions) and provisions of the Town Planning Regulations. Whereas this is not a new proposed scheme, for consistency with industry standards, MST provisions are proposed to be used and modified accordingly.

#### **Purpose**

The purpose of the report is to seek Council's support to initiate an amendment to TPS3 to modify clauses relative to residential development.

#### **Background**

There is no relevant background applicable to this report.

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## **Statutory Requirements**

Scheme amendments are required to be undertaken in accordance with the Town Planning Regulations. Should Council initiate this amendment, documentation will be referred to the Environmental Protection Authority (EPA) for environmental assessment and seeking their permission to advertise. Once this is received the amendment will be advertised in accordance with the Town Planning Regulations for a period of not less than 42 days. Any submissions received will be addressed in a report to Council, where Council will consider final adoption of the amendment. If adopted, the amendment will then be forwarded to the Minister for Planning for approval and gazettal.

## **Discussion**

### Model Scheme Text

The (MST) has been prepared under the provisions of the Town Planning Regulations with the purpose of achieving greater consistency between local governments in the legal and administrative provisions of schemes whilst allowing flexibility in the planning content to suit local circumstances.

TPS3 has been in operation since 1985 (prior to the introduction of the MST provisions in 1999) and despite a comprehensive review of the scheme in 1999, some of the scheme provisions do not reflect current planning 'best practice'. Whilst a thorough review of the scheme will be undertaken, it is considered imperative to initially address the current fundamental aspects of the scheme to provide for improved operation efficiencies. Incorporating the proposed wording and terminology of the MST into TPS3, where it is in need of amendment, will ensure proper interpretation and implementation under current legislation including the *Planning and Development Act 2005* (PD Act).

### RDC – Residential Development Provisions

The RDC are State Planning Policy providing a comprehensive basis for the control of residential development throughout Western Australia.

The objectives for residential development under the RDC include:

- a) Provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives.
- b) To encourage design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place.
- c) To encourage design which considers and respects heritage and local culture.
- d) To facilitate residential development which offers future residents the opportunities for better living choices and affordability.

Part 7 of the Residential Design Codes (RDC) states that the decision maker shall not amend or modify the RDC, to provide for greater or lesser requirements unless it relates to matters expressly permitted under the R-Codes to be amended or modified.

The Town of Claremont, with the approval of the Western Australian Planning Commission (WAPC), may amend a limited number of the deemed-to-comply provisions within the RDC by means of a Local Planning Policy, Local Structure Plan or Local Development Plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

- a.) Is warranted due to a specific need related to that particular locality or region;
- b.) Is consistent with the objectives and design principles of the RDC; and
- c.) Can be properly implemented and audited by the decision maker as part of the ongoing building approval process.

As prescribed by clause 26(3) of TPS3, unless otherwise provided for in the Scheme, the development of land for any residential purpose shall comply with the provisions of the RDC.

On review of the residential provisions of the TPS3, it is considered that a number of the provisions specify requirements for residential development that are the same as or below the standard required under the RDC. Where this occurs in TPS3, it is proposed to delete the relevant provision to allow the RDC provision to prevail. The provisions this relates to include:

- a.) Clause 27(1) - Special Application of the Residential Planning Codes (Relaxation of Setbacks), as the RDC provides the same discretion to vary the setback requirements.
- b.) Clause 35 - Grouped Dwelling – Store Room, as the TPS provision is below the RDC requirement.
- c.) Clauses 36(1)(c), 36(4) and 36(5) - Outbuildings, garages, carports and pergolas, as the RDC contains similar provisions with related design principles concerning to outbuilding and garage widths.
- d.) Clause 43(1) - Relaxation of Setbacks, as the RDC provides the same discretion to vary the setback requirements.
- e.) Clause 47 - Single House, as the RDC provides the same discretion to vary the minimum lot size for existing lots.
- f.) Clauses 55(1) and 55(2) - Access to Grouped Dwellings, as the RDC contains similar provisions for pedestrian and vehicle access to grouped dwelling development.

Details including the wording, of the equivalent RDC provisions in relation to the above clauses in the TPS3 and specific comments in regards to the proposed deletion of these clauses are included in the Table attached to this report.

#### TPS3 – Residential Development Provisions

There are a number of incidental provisions contained in TPS3 that are no longer considered to be necessary given the development of the Town of Claremont since the gazettal of TPS3 and/or the other TPS3 or Council Policy requirements and/or the Building Act. Where this occurs in TPS3, it is proposed to delete the provisions. These provisions include:

- a.) Clause 27(2) - Special Application of the Residential Planning Codes (Minimum Density), as the all residential land under the TPS3 Map have a designated R-Code.
- b.) Clauses 36(7), 36(8) and 36(9) - Outbuildings, garages, carports and pergolas, as the clauses are redundant.
- c.) Clause 38 - Amalgamation of Lots, as the Building Code of Australia covers building over lot boundaries.
- d.) Clause 43(2) - Relaxation of Setbacks, as consultation for setback variations is guided by the RDC and Council Policy.
- e.) Clause 55(3) - Access to Grouped Dwellings (Access from Alfred Road), as Clause 36(6) provides for alternative vehicle access requirements.

Details regarding the redundancy of the above clauses and specific comments in regards to the proposed deletion of these clauses are detailed in the Table attached to this report.

#### Modifications to Residential Provisions in TPS3

- a.) Clause 10 - Definition for Ancillary Accommodation.

Clause 29 of the TPS3 currently prohibits Ancillary Accommodation in the Town as the term is not listed in the clause 10 “definitions” or the land use table. An ancillary dwelling is an independent dwelling which may or may not be physically attached to the dwelling on a single lot with a minimum lot size of 450m<sup>2</sup>. Changes to the RDC removed a previous exclusion for the use of the ancillary dwelling to be for family members of the primary dwelling.

The Town’s Housing Capacity Study encourages housing diversity and identified an opportunity for the Council to consider the legislation changes to ancillary accommodation requirements to provide additional diversity in the housing stock in Claremont. The study notes that this particular form of housing can enable older residents occupying family homes to move into self-contained accommodation and for families to occupy the vacated home. This approach has the added bonus of offering support and security for the older resident. It is considered that ancillary dwellings increase the diversity and affordability of accommodation options.

The RDC defines an ancillary dwelling as a special purpose dwelling which also includes aged or dependant persons’ dwellings and single bedroom dwellings. It is proposed to add ‘special purpose dwelling’ to the definition of ‘Dwelling (Self-contained)’ in TPS3. This will result in the removal of aged persons’ dwelling from the definition as this is as defined under the RDC. The modification to the definition will permit the consideration of an ancillary dwelling in all zones of the TPS3 if applicable with the requirements of the RDC. The RDC requirements for ancillary dwellings includes minimum lot sizes, maximum plot ratio, car parking and all other provisions relating to the assessment of a single dwelling excluding street surveillance (unless located adjacent to the street) and outdoor living areas.

- b.) Clauses 36(1)(a) and 36(1)(b) - Outbuildings, Garages, Carports and Pergolas.

It is proposed to delete the above clauses as clause 49 of TPS3 contains requirements relevant to additions to residential dwellings (including outbuildings, garages, carports and pergolas), that require Council to have consideration of the visual amenity of an addition, that is visible from the street; however not strictly require them to match the style and materials of the existing dwelling. In some instances a more desired outcome is for an addition including an outbuilding, carport or garage design to be consistent (compatible or sympathetic) with the style and materials of the main dwelling, but not match. For example, it is considered inappropriate to “mimic” the style or materials of a heritage building. In these cases, to preserve the view of the heritage building from the street, a minimalistic and simple design may be more desirable as encouraged in Council Policy LV124 – Retention of Residential Heritage (currently under review). In addition, it is considered that clause 49 of TPS3 allows the Planning Department and the Council to apply discretion to achieve a more appropriate design outcome whilst not adversely impacting on the amenity of the streetscape.

c.) Clause 36(6) - Alternative Vehicle Access.

It is proposed to strengthen this clause relating to vehicle access as a practical response to a number of queries relating to the interpretation of the application of the clause. Without diminishing the present controls which aim to preserve residential streetscapes where alternative access is available, it is proposed to specify that the clause applies to the provision of car parking (whether a garage, carport or dedicated uncovered area) at the front of a property, a crossover from the primary street and/or in regards to any application proposing to intensify the use of an existing car parking area.

d.) Clause 46 - Residential Zone Objectives.

Due the gazettal of TPS3 Amendment 125 on 17 March 2015, a proposal that is compliant with the TPS3, RDC, Council Policy and Local Law requirements may not require an application for planning approval. Clause 46 of the TPS3 states that the Council shall have regard to the objectives of the Residential Zone in considering an application for planning approval. In the event that an application for planning approval is not required the proposal is still required to comply with the relevant objectives of the scheme. It is therefore proposed to remove the reference to ‘considering an application for Planning Approval’.

e.) Clause 48(2) - Car Parking.

The RDC provides access requirements for residential developments (where there are more than five dwellings or where a driveway is greater than 15 metres in length) to prevent reversing out onto the street, however they only apply to primary distributor or integrator arterial roads. This would only apply to Stirling Highway within the Town. TPS3 extends this requirement to a list of streets ‘deemed to carry high volume of traffic’ for grouped dwellings only. A single house in the exact same development format (other than Certificate of Title) is not required to enter the street in a forward gear. It is not proposed to review the list of streets deemed to carry high volumes of traffic as part of this amendment, however it is proposed to remove the present anomaly between single houses and grouped dwellings and amend clause 48(2) to apply to all self contained dwelling developments on any lot which has frontage to a street contained in Appendix XI together with providing for improved

discretion to allow Council to consider the specific safety parameters on these streets. Where it is considered that there are no visibility or safety concerns, it is proposed that vehicles be permitted to reverse out onto the street, but not allow reversing onto the street in circumstances where these concerns arise. In these instances the development will be required to be designed to enable a vehicle to enter the street in a forward gear. An example of where this clause could be implemented to include single houses on either side of the crest on Alfred Road, however, elsewhere on Alfred Road, the Council may consider reversing from single houses (and grouped dwellings) in accordance with the current requirements for single houses.

f.) Clause 53 - Bonus Densities.

Clause 53 provides for a density bonus to allow development of an additional dwelling a heritage building in an area coded R15-R20 at the higher density coded of R20 where a heritage agreement is in place. If the development is preceded by an application for subdivision, the WAPC has been reluctant to apply the heritage agreement requirements but given favour to subdivision at the higher density. This scenario has the potential of creating the additional lot and sale of both/either property without the heritage agreement for the maintenance of the heritage property in place. It is intended to amend clause 53 to allow the density bonus to be applied to both subdivision and development of land. It is also proposed to delete the references to split coding densities that do not exist under the TPS3 Scheme Map (e.g. – R12.5/R15 and R20/R25).

**Conclusion**

In summary, the proposed text amendments to TPS3 will remove duplications of the TPS3 with the RDC and/or other legislation and improve the application of the residential provisions. It is recommended that Council initiate the Scheme amendment as proposed.

**Voting Requirements**

Simple majority decision required.



### **Moved Cr Wood, Seconded Cr Haynes**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That:**

**1. Council initiate an amendment Town Planning Scheme No. 3 including the following:**

**1.1. Modify the definition of ‘Dwelling (Self-contained)’ in clause 10 to read as follows:**

**“Dwelling (Self-contained)” means a Single House, a Grouped Dwelling, a Multiple Dwelling and a Special Purpose Dwelling;”**

**1.2. Delete clauses 27(1) and 27(2) relating to special application of the Residential Design Codes;**

**1.3. Delete clause 35 relating to the provision of storerooms for grouped dwelling developments;**

**1.4. Delete clauses 36(1)(a) and 36(1)(b) relating to the appearance detached structures;**

**1.5. Delete clause 36(1)(c) relating to the height and bulk of outbuildings;**

**1.6. Delete clause 36(4) relating to the maximum width of garages and carports;**

**1.7. Delete clause 36(5) relating to a parapet wall associated with a garage or carport;**

**1.8. Modify clause 36(6) to read as follows:**

**“The provision or use of:**

**(a) A car parking area (whether a garage, carport or dedicated uncovered area) at the front of a property; and**

**(b) Any crossover from the primary street,**

**will not be permitted by a development approval where a practical alternative vehicle access point exists (such as from a secondary street, rear laneway or similar). This prohibition will apply notwithstanding a proposed development involves the use of a pre-existing crossover from the primary street, except where the proposed development:**

**(a) Is considered by the Council to be a renovation of an existing dwelling which retains the pre-existing car parking area without facilitating additional car parking, and provided the requirement to remove the crossover and provide an alternative car parking area is considered by the Council to be unreasonable; or**

**(b) Involves only the upgrading of an existing car parking area, provided that the proposed upgrading does not facilitate any additional car parking.**

**To facilitate the use of rear laneways or similar practical alternative access points, the Council may consider approving a reduced front setback for the dwelling where private open space to the rear would**

be significantly compromised by the requirements of this clause, having regard to the applicable design principles of the Residential Design Codes.”

- 1.9. Delete clause 36(7) relating to uncovered tandem car parking bays;
  - 1.10. Delete clause 36(8) relating to relaxing setback requirements for pergola structures;
  - 1.11. Delete clause 36(9) relating to compliance with relevant clauses for new development;
  - 1.12. Delete clause 38 relating to the amalgamation of lots;
  - 1.13. Delete clauses 43(1) and 43(2) relating to the relaxation of residential setback requirements and associated consultation requirements;
  - 1.14. Modify clause 46 to remove the words ‘In considering an application for planning approval’ to read as follows:

“For development in the Residential Zone the Council, in addition to any other matter it is required or permitted to consider, shall have regard to the following objectives:

    - (1) the retention of the Zone as an area of largely residential character with only limited non-residential exceptions;
    - (2) the confinement of non-residential uses to those providing:
      - (a) amenities to the residential area in which the use is to be established; or
      - (b) services to that area which uses are compatible in scale, appearance and operation with residential uses;
    - (3) the continuation of the domestic scale and architectural character of the area of the proposed development;
    - (4) the preservation of the traditional housing character of the Zone;
    - (5) the preservation of all buildings referred to in Clause 78.”
  - 1.15. Delete clause 47 relating to the development of existing undersized residential lots;
  - 1.16. Modify clause 48(2) relating to access to streets with a high volume of traffic to read as follows:

“(2) Where it is proposed that a Dwelling (Self-contained) is to be constructed on a lot which has a frontage to a street which is deemed to carry a high volume of traffic by its inclusion in Appendix XI to the Scheme, and where the Council considers there to be poor visibility or safety concerns and that street provides the principal vehicular access to the lot or the design of the development is such that a vehicle is required to reverse for a distance exceeding 15 metres to exit the site, provision shall be made to permit vehicles to enter and exit the site in forward gear.”
  - 1.17. Modify clause 53 relating to bonus density provisions for heritage listed places to read as follows:
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- “(1) Where land has an R Code Density of R15 / R20 accorded to that land by the Scheme and there is a building, object or place on that land which is referred to in the Schedule maintained by the Council pursuant to Clause 78 of the Scheme Council may:**
- (i) consider the development or subdivision of that land to the density of R20 if:**
    - (a) where necessary, that building, object or place is repaired or restored to the satisfaction of the Council; and**
    - (b) in any event, the owner of that land enters into an agreement with the Council undertaking to maintain and preserve that building, object or place to the Council’s satisfaction and authorising the Council to enter on that land to carry out the work necessary for that purpose should the owner fail to do so;**
  - (ii) reduce the building set-back distances prescribed by the Scheme with respect to development to those applicable to the R20 requirement and reduce the number of car parking spaces required to be provided, if the Council is satisfied in either case that to do so is necessary to protect the character of appearance of that building, object or place and to enable the development to be carried out,”**
- (2) If, for any reason, the provisions of sub-clause (1) of this Clause do not apply to land to which an R Code Density of R15 / R20 is accorded by the Scheme, development of that land shall conform to the requirements of the lower R Code Density accorded to that land;**
- (3) Where:**
- Development or subdivision has occurred under Clause 53 (1); and the building, object or place referred to in that clause is demolished or damaged so as to be unfit for occupation or its original architectural form is materially altered, then no other person shall use or develop the land otherwise than in conformity with the requirements of the lower R Code Density accorded to that land;**

**1.18. Delete clause 55 relating to access to grouped dwellings;**

- 2. His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document;**
  - 3. The Town of Claremont forward a copy of the Amendment documentation to:**
    - (a) The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.**
    - (b) The Western Australian Planning Commission for information; and**
  - 4. On receipt of advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the**
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**Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the *Town Planning Regulations* 1967 for not less than 42 days.”**

**Discussion ensued.**

**CARRIED(136/15)  
(NO DISSENT)**

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*Councillors Browne, Haynes and Mews declared an impartiality interest in Item 13.2.3 by virtue of each having previously attended the College.*

**13.2.3 LOT 400 (NO. 31) SHENTON ROAD, SWANBOURNE (ENTRANCE FROM STIRLING ROAD) - PROPOSED EARLY LEARNING CENTRE FOR SCOTCH COLLEGE**

<b>File Ref:</b>	<b>A-3449/DA2015.00067</b>
<b>Attachments – Public</b>	<u>001. Location and Submission Plan</u> <u>002. Plans</u> <u>003. Wright Avenue upgrade plan</u> <u>004. Photograph</u> <u>005. Submission Table</u>
<b>Attachments – Restricted</b>	<u>006. Submissions</u>
<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>Josh Wilson</b> <b>Urban Planner</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>
<b>Date Prepared:</b>	<b>27 July 2015</b>
<b>60 Days Due Date:</b>	<b>19 July 2015</b>
<b>Property Owner:</b>	<b>Scotch College</b>
<b>Submitted By:</b>	<b>Taylor Robinson</b>
<b>Lot No.:</b>	<b>400</b>
<b>Area of Lot:</b>	<b>79,962m<sup>2</sup></b>
<b>Zoning:</b>	<b>Educational</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b><i>Town Planning Scheme No. 3 (TPS3)</i></b>

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**Summary**

- Application for planning approval has been received for an ‘Early Learning Centre’ (ELC) at Scotch College involving removal of the existing uniform shop on Stirling Road.
- Approval would allow for an additional 44 students and six staff, comprising of two (2) full-time teachers and four (4) part-time assistants.
- The traffic circulation and parking plans for the proposal have undergone a number of reviews and modifications whilst assessing this application. The latest submitted plan provides for 37 on-site car bays in proximity to the

proposed ELC and a further 20 car bays located on Stirling Road (13) and Wright Avenue (7) – total 57 bays.

- Nineteen neighbours were consulted and 12 submissions were received.
- Objections to the proposal are mostly due to existing parking and traffic issues in Stirling Road (north) being exacerbated by the additional traffic that is expected to result from this proposal.
- The current plans submitted by the applicant go a considerable way in addressing the concerns raised, however a minor modification is recommended to remove the exit onto Stirling Road, which will provide for a further two parking bays and reversing bay (without impacting on existing vegetation) and increasing the total additional parking provision resulting from this application to 59 bays.
- Application is recommended for conditional approval, subject to relevant conditions inclusive of limitations on the non-boarder student population to maximum 1446 students and requirements for the finalisation and Council approval of the Traffic Management and Transport Plan to address ongoing parking and traffic issues prior to commencement of the use and any further increases in non-boarder student numbers prior to commencement of the ELC in 2016.

**Purpose**

For Council to determine an application for planning approval for a new ELC at Scotch College.

The application requires the Council’s determination due to neighbour objections.

**Background**

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
19 May 2015	Planning application received by Town.
20 May 2015	Application undergoes internal DCU assessment.
21 May 2015	Additional information requested from applicant.
22 May 2015	Advertising commenced.
25 May 2015	Additional information received from applicant.
6 June 2015	Advertising closed.
15 June 2015	Secondary advertising letters sent.
29 June 2015	Secondary advertising closed.
24 July 2015	Final revised plan and Traffic Management and Transport Plan submitted.
24 July 2015	Report prepared for Council.

**Past Resolutions**

The following relevant items have been considered by Council:

Council Meeting Date	Planning Application received by Council.
7 February 2012	Middle School Redevelopment JDAP report.
3 July 2012	Revised Middle School JDAP report.
17 December 2013	Upgrade to Stirling Road Drop-off Area 2.
17 December 2013	Car park and access for Medical Centre.
17 December 2013	Upgrade to Fern Street car park and bus park.
17 December 2013	Temporary car park off Stirling Road.

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17 December 2013	New car park and school Bus Pick-up and Claremont Crescent Drop-off area.
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Two approvals for the Middle School development were approved by the Joint Metropolitan Development Assessment Panel (JDAP) in 2012 following referral to Council for consideration and recommendation. The second (revised) approval required the preparation of a Traffic Management and Transport Plan (TMTP) in accordance with the following condition:

*“1.14 A Traffic Management and Transport Plan for staff, students and parents being prepared and implemented by the school to reduce the number of vehicle trips required to deliver children to and from the school to the satisfaction of the Local Government. The Traffic Management Plan is to be prepared in consultation with the community and is to be approved by the Local Government. Implementation is required on an ongoing basis commencing prior to occupation of the development.”*

At the Council Meeting held on 17 December 2013, five applications for development to assist with traffic circulation and parking were considered by Council as detailed above. The reports addressed the progress of the TMTP as follows:

“Overall Parking Strategy

Scotch College prepared a Car Parking Masterplan as a part of the middle school approval in 2012. It shows that over the years the college has incrementally constructed new car parks as needed which has resulted in a total of 17 parking areas within the school grounds with 11 main entrances. Notwithstanding compliance with TPS3 requirements for car parking, it is apparent that the existing car parking is not sufficient. This is evidenced by street parking along Australind Road and Wright Avenue, verge parking on Shenton Road and informal parking at the end of Stirling Road.

The proposed additional parking bays are expected to relieve some of this problem however it will be necessary to actively manage staff and parent behaviour as an ongoing matter to ensure all car parking areas for the college are properly utilised and that staff and parents do not park in the surrounding residential streets. This ‘behaviour management’ is addressed in the (draft) Scotch College Transport Management Plan (TMP) which will be finalised and considered by the Town early in 2014. The TMP is required to be satisfied as a condition of the existing approval for the middle school and will form the basis of a long term master plan to guide future development of the campus.

Traffic and Congestion Stirling Road

The Town’s Manager of Engineering Services has provided the following comments:

*“After working with Scotch College a letter of intent has been received by the Town which identifies sufficient information lacking from the initial traffic report. When read in conjunction, the level of information and commitment are adequate enough so that the Town and Scotch College can draw information for future reference and that initiatives to be undertaken have been identified.*

*Through discussions relating to the said documents it is now clear from the School what the Town is expecting moving forward and Scotch College is aware that the approval of future developments rests on their adoption of the information and actions within the letter of intent and the supporting traffic report as minimum requirements.*

*While the goal is to have one complete Transport Management Plan document, the documentation supplied works toward this goal in lieu of a previously approved example document from which to base it on or assess against.*

*Originally concerns were raised over the mode share and parking provision. After further negotiation the school has set targets for its mode share for 2017 and identified a number of actions to achieve this. The school has also addressed the concerns over parking provision. Recent requested increase in parking by Scotch College when assessed against the Austroads guidelines on parking provision indicate that should approval be given to these increases in on-site parking, sufficient parking will be available on site for the requirements in 2017. A total of 286 bays will be supplied where only 247 are required.”*

It is evident therefore that information provided will act as a sound foundation for the finalization of the TMP and that the additional parking bays will go some way and possibly (subject to verification) completely satisfy the final parking demands and spread across the site, whilst at the same time having an acceptable impact on the local road network. If the final TMP identifies any further work, these will be required to be confirmed prior to final sign-off the TMP and implemented within an identified time frame (to be formally identified and staged as part of a final Masterplan for the school).”

## **Heritage**

The property is not listed on the Town's Schedule of Heritage Places.

## **Consultation**

The application was advertised in accordance with Local Planning Policy LG525. The owners and occupants of nineteen (19) adjacent properties were consulted and 12 objections were received. The objections raise the following concerns:

1. Existing traffic congestion on Stirling Road (north) - the main concern with traffic relates to cars queuing in the street waiting to access the four drop-off bays at the end of Stirling Road. Currently there are delays for cars existing Stirling Road north at the roundabout. The impact will need to be monitored to ensure that the total number of cars entering and exiting this street does not cause a problem.
2. Shenton Road roundabout being blocked at peak times - concerns relate to cars queuing in Stirling Road. If more than 20 cars are waiting to enter the drop-off area, queuing into the roundabout results.
3. Recent worsening of traffic issues - closure of the approved Shenton Road drop-off area has resulted in additional traffic flow in Stirling Road.



4. Desire for a new entrance off Shenton Road to alleviate Stirling Road traffic (e.g. 1999 Masterplan) by providing an alternative access point.
5. School buses using Stirling Road contribute to traffic congestion.
6. Investigation of other locations for ELC.
7. Lack of concern shown for residents.
8. Preservation of trees to screen parking area from Stirling Road.

These concerns are discussed in the next section of the report. A table of submissions and responses and full copies of the submissions are attached to this report.

## **Discussion**

### Description

The application proposes the following:

- a) Renovate and extend the existing uniform shop buildings on Stirling Road as a new ELC.
- b) Removal of the existing uniform shop car park (minus seven bays removed).
- c) Construction of a new 27 bay car park to the south of the ELC with an exit to Stirling Road positioned slightly to the north to allow retention of existing trees and avoid conflict with cross-over opposite (plus 20 bays).
- d) Retention of nine (9) bays (with out of peak period delivery use) between the proposed ELC and dining hall (nett gain of 20 bays).
- e) Reconfiguration of 13 bays to the north of the proposed ELC and addition of five (5) new bays (nett gain a total of 25 bays)
- f) Extension of four approved drop-off bays to the west of Stirling Road by four bays (nett gain a total of 29 bays).
- g) Construction of an additional eight parking bays and associated retrospective approval to increase the approved nine x 45 degree parking bays east of the above drop-off bays to the existing 14 x 90 degree bays (nett gain a total of 37 bays).
- h) Construction of 13 new bays to the north of the existing public car park at the end of Stirling Road (nett gain a total of 50 bays).
- i) A new crossover (exit only) south of the ELC to serve the new car park.
- j) Agreement to contribute to construction of seven drop-off bays in Wright Avenue (nett gain a total of 57 bays).

### Early Learning Centre

The ~~proposed~~ ELC is proposed to be located in the existing uniform shop building at the end of Stirling Road. This will require a full internal re-modelling and a new pavilion linking the two existing single-storey buildings.

The ELC is proposed to be divided into two areas, kindergarten (100m<sup>2</sup>) and pre-primary (80m<sup>2</sup>), and linked by a new entry hall. Each area will have a dedicated

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outdoor area with open-style fencing to allow views across the site while providing security and safety compliance.

Student numbers are proposed to be limited to 44 at any one time. Staff will include two full time teachers and four part-time assistants (six at any one time). Start and finish times are proposed as follows:

- Kindergarten – 8:45am to 2:50pm
- Pre-primary – 8:30am to 3:10pm

The different times are proposed to assist in spreading out peak traffic flows and congestion around the school.

Relocation of Uniform Shop

The proposal will require the relocation of the existing uniform shop. Permanent relocation of the uniform shop is proposed to the south of the ELC at 33a Stirling Road, however this is not the subject of this application. This house is currently used as staff accommodation and the proposal will require a formal planning application. The Scheme provides two opportunities for consideration of the use which will require further consultation prior to be being considered. In the interim period, temporary accommodation of the uniform shop is proposed within existing buildings on site, most likely to be Royce House fronting Shenton Road. This location will not require planning approval given it would be housed in an existing building approved for Educational use. Any additional parking in this location to accommodate the uniform shop will however require planning approval.

Student Numbers

Student numbers at Scotch College have increased substantially in recent years, as have the number of staff. Information in the following table has been provided by the “My Schools” website together with the school relative to information for 2014 and 2015. Estimated increases in 2016 and 2017 take into account the proposed ELC (44 students) and a on-boarder students within existing classrooms in 2016 and a further 70 in 2017).

Year	Non-boarder Students	Total Students	Staff
2008	1076*	1240	126
2009	908*	1236	157
2010	872*	1261	163
2011	900*	1307	-
2012	946*	1354	166
2013	968*	1385	174
2014	1035*	1448*	173f/t + 139p/t*
2015	1402*	1553*	183 f/t + 148 p/t*
2016	1548*	1704*	189f/t + 155p/t (0.54 FTE – 84p/t) = 273
2017	1618*	1780*	189f/t + 155p/t (0.54 FTE – 84p/t) = 273

\*details provided by the College

This table shows an increase of 326 non-boarder students or 30% over seven years from 2008 to 2015. If this application is approved, and student numbers increase due to the additional year one stream of 172 non-boarder students during 2016 and 2017 are also approved, the increase in non-boarder students from 2008 to 2017 would be in the order of 542 students or 50%.

It is apparent that the ongoing intensification of non-boarder student numbers is exacerbating traffic and parking issues surrounding the school. The increase of 30% in the past seven years is significant and is reflected in the increase in concerns regarding traffic around the school. An increase of 50% is also concerning and needs to be measured against its impacts on the locality in terms of parking and traffic movement.

It is noted that when Council considered the application for the Middle School approval to the JDAP in 2012, it took into consideration a comment from the traffic engineer supporting the application, which stated that “the total number of students attending the Junior/Middle School campus will increase to approximately 688 students when the proposed Middle School building is constructed.” This increase was apportioned to the 216 year 8 student in addition to the existing 472 junior and middle school students, with no reference to the addition of a new year one stream within the Junior School.

The view of the school that it can continually increase student numbers within existing buildings, without planning approval is an issue that needs to be addressed under this application. Contrary to the belief of the school, parking requirements under the Scheme do regulate the number of students and planning approval would be required to add another year stream within the existing buildings as proposed above. Whilst this has not been directly applied for in this application, a preliminary assessment of the impacts of the additional 172 non-boarder students (by 2017) is provided below and should be subject to further review as part of the TMTP and formal approval by Council of any additional year one stream student numbers prior to the commencement of the 2016 school year.

The parking requirement under TPS3 for Educational Establishment is “One for each full-time employee plus staff for students, as determined by Council.” Council has considered that this requirement should provide for the maximum staff at any one time and parking for students should consist of both parking bays and drop-off bays for the efficient drop-off and collection of students. In the context of this application, parking relative to student numbers need not take into account the total student population inclusive of boarders, therefore the figures provided in the non-boarder student and staff columns above have been used for the parking requirement calculations.

The Council does not have a firm standard for assessment of student parking requirements. There are various standards which are applied through the State. The main two include standards from the Road Safety Around Schools (RSAR) and Education Department WA (EDWA) as follows:

- RSAS – 14 bays per 100 students (Junior and Middle School), plus 7 bays per 100 students (Senior School), plus one per staff.

- EDWA – 1 bay per 14 students, plus 6 visitor bays, plus one bay per staff.

Parking Calculations based on 2017 Student Growth Including ELC Proposals

<b>Student Numbers - Non-boarders (Total – 1618)</b>	<b>RSAS</b>	<b>EDWA</b>
Junior School (including ELC) - 280	39.2	20
Middle School - 508	71.12	36.29
Senior School - 830	58.1	59.29
Staff – 273 FTE	273	273 + 6
<b>Total Parking Required</b>	<b>441.42 (441)</b>	<b>394.58 (395)</b>

The total parking provided (following construction of the bays proposed in this application and including the 20 additional bays that the school has agreed to pay for construction of in Wright Avenue and Stirling Road) is 355 bays. In addition to these bays, present street parking provides for 15 bays in Australind Street, 12 bays in Saunders Street (east of Wright Avenue), 25 bays in Bellevue Terrace (west of Wright Avenue) and 30 bays in Fern Street). If these additional 82 street bays are included in the parking provision, a total of 437 bays are provided.

Based on the parking standards above, it is considered that the proposed ELC will be readily accommodated (approx. 421 bays required at RSAS standards and 382 at EDWA standards), however when the additional 172 year one stream students are included, the parking provision satisfies EDWA standards and just falls short of the RSAS standards. Accordingly, it is considered reasonable to support the ELC proposal at this time but require further investigation and work on the TMTP before Council agrees to support the additional year one stream at the school.

It is noted that there is no approval in the past ten years which places a cap on student numbers imposed by the Town for Scotch College. Accordingly, the separate proposals by the school to add an additional stream to the year one group would be unabated within the existing classrooms.

Student number caps have recently been applied to both Christ Church, Methodist Ladies' College, and it is recommended, in order to gain some control over the impact of parking and traffic circulation surrounding the school, that a cap be placed as a condition of any approval granted for this application. In this instance, the recommended cap for Scotch College is the current 2015 non-boarder enrolment number of 1402 plus the proposed 44 ELC students; totalling 1446. Likewise with staff numbers, the 273 FTE staff to accommodate the additional full and part time staff for the ELC and additional year one stream of students should be restricted to cover existing and proposed staff for the ELC only (267 FTE).

If these caps are applied, the school will need to seek approval for additional students and staff prior to the start of 2016, allowing the Town to ensure off-site impacts (typically traffic) are being managed. As detailed below, this will require the finalisation and adoption of the TMTP.

Traffic Management and Transport Plan

As indicated above, in 2012 the JDAP approved a major redevelopment of the college's middle and lower school campus. As part of the approval, Council required

the college to prepare a Traffic Management and Transport Plan (TMTP). The other schools have since had similar requirements placed on their recent approvals for development along with caps on student numbers to enable Council to manage and minimise traffic generation.

The draft TMTP has been refined over the past two years with a substantial amount of liaison with the Town. While the TMTP is not yet finalised, a substantial number of changes to improve traffic flow and parking have already been implemented. The TMTP is currently being updated to address the proposals contained in this application and will be advertised for public comment prior to being referred to Council for final endorsement. Some of the key considerations identified to date in the draft TMTP include:

- A survey of student transport modes undertaken in 2012 indicated that 55% of arrivals and 48% of departures for students are by car.
- The Shenton Road underpass constructed at a cost of \$2.4 million has improved student flow across the campus and reduced impacts on traffic flow in Shenton Road.
- The Shenton Road drop-off area was approved, however it was closed to assess whether this delivers reduced congestion and traffic issues.
- Buses are no-longer permitted to park on Shenton Road.
- The Claremont Crescent car park has been extended to provide an additional 22 car bays and bus bays constructed.
- The Fern Street car park has been upgraded and extended to provide an additional 44 car bays.
- The Stirling Road four bay drop-off area has been upgraded and extended to provide an additional 14 car bays.
- The Stirling Road drop-off area is now attended by staff before and after school to assist in its efficient operation.
- Bicycle parking and change facilities have provided for staff at the middle-school campus to encourage bicycle commuting.
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Overall the improvement in traffic flow around the school has been substantial however traffic and parking problems still persist and further work is required in the following areas:

- a) Stirling Road is still highly congested due to queuing for drop-off area. Recent observations noted that queues extended the entire length of the street and into the Shenton Road roundabout – blocking traffic in all directions (it is noted that the more recent application of parking restrictions is likely to address this issue – subject to further survey).
- b) Reopening of the east-west Kott Terrace extension into the school should be examined to determine whether it will impact or assist in the reduction of traffic in Stirling Road and the spread of school traffic generally.

- c) Use of the Shenton Road drop-off area as a bus-parking area requires further assessment as closure to parents has placed additional demands on Stirling Road and Wright Avenue.
- d) The potential for a new one-way access point off Shenton Road (between 33 and 35 Shenton Road) to reduce the volume of traffic in Stirling Road.
- e) Buses continue to park on surrounding streets rather than in dedicated bus parking areas.
- f) Fern Street, Wright Avenue and Stirling Road have parking issues on weekly and weekend sports days.
- g) Shared bus services have been discussed but not implemented by the school at this point.
- h) Increases in the non-boarder student population linked to measurable improvements in the parking and traffic circulation, and implementation of strategies to reduce traffic flow and parking at the school.

It is noted that the current approval condition for the middle school which requires the TMTP to be approved by Council and then implemented on an on-going basis prior to occupation or the development. Whilst this has not occurred and it would have been preferable for the TMTP to have been advertised and adopted by Council prior to the application for this proposed development, it is considered that the current proposal is minor and provides more than sufficient parking to address parking requirements for the ELC (see parking details above). Concern is raised that the uncontrolled satisfaction of the TMTP condition will drift on without compliance in consideration of the fact that considerable improvements to the traffic circulation and parking plan for the ELC have been negotiated with the view of allowing the development to proceed and occupied prior to the commencement of the 2016 school year, it would be reasonable to require that the TMTP be completed, advertised and adopted prior to commencement of use. This provides a six month window of opportunity for the TMTP issues to be resolved and for Council to consider an increase in non-boarder student numbers. If the proposed ELC is approved, an appropriate condition to require this matter to be finalised is recommended. It is also recommended that the requirement for the TMTP be linked in with a requirement for ongoing implementation of the approved TMTP proposals and a further requirement to develop a Masterplan for the future development of the school to the satisfaction of Council.

#### Proposed Parking and Traffic Issues

In this instance, the provision of 50 bays in close proximity of the ELC will not only more than adequately address the parking requirements generated by the ELC, but will also assist in parking requirements for the school generally and specifically during sporting events. The additional parking will also improve parking at the Lake Claremont playground. Further, the additional seven bays in Wright Avenue will assist in redistributing parking and drop-off around the school and also assist in traffic movement in that street generally (see further details below).

The proposed ELC is accessed via Stirling Road, a small cul-de-sac that also provides access to 19 dwellings and the Lake Claremont play ground. There has been a tendency for traffic in this street to queue while waiting to drop-off or collect children. The length of the queue has regularly reached the full 130m length of this

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section of road which has impacted on the operation of the Shenton Road / Stirling Road roundabout. The queue has typically lasted for 30 minutes in the morning and afternoon during school teaching and sport days. In addition, week night and Saturday morning sporting events have caused additional parking congestion beyond standard school drop-off and collection hours.

As a result of the parking and traffic congestion experienced in Stirling Road, the Town has recently implemented parking restrictions. These include:

- Stirling Road (west side) – No Stopping Road and Verge
- Stirling Road (east side) – No Parking Road and Verge Monday to Friday 7.30am-9am & 3pm-4pm and Saturday 8am-12pm
- Kott Terrace (north side) – No Stopping Road and Verge
- Kott Terrace (south side) – No Stopping Verge
- Intersection and cul-de-sacs – No Stopping Line

These restrictions are expected to significantly improve traffic flow in Stirling Road and assist in the reduction of queuing associated with traffic movement and parking related to the school and sporting activities conducted by the school.

The issues of traffic movement and parking are paramount in the consideration of this application. The original plan submitted with the application provided for a one way entry off Stirling Road for the proposed ELC with six parallel and ten 45 degree parking bays to the south and six new bays to the north. These plans were not considered to provide sufficient parking for the proposal and raised a number of traffic circulation and safety concerns. Numerous alternative options have been discussed with the applicant and a final revised plan was submitted 24 July 2015 (detailed above) which addresses the following:

- Provision of additional 27 car parking bays to the south of the proposed ELC.
- Entry from the north and exit to the south of the ELC.
- Provision of four additional drop-off bays to assist traffic circulation to the north.
- Provision of eight new parking bays adjacent the drop-off bays to the north of the ELC and extension of the Stirling Road parking area (for Lake Claremont) by 13 bays to assist parking in general, inclusive of relieving parking demands for sports day.
- Agreement to contribute to the construction of seven new drop-off parking bays in Wright Avenue to assist in the spread of parking around the school and resolve existing congestion issues in the street between Shenton Road and Saunders Street.
- Whilst this option improves the number of parking bays available, doubles the number of drop-off bays available, separates ELC traffic from other school traffic and reduces queue lengths in Stirling Road to contain vehicles on site; concern is raised with regard to safety within the 27 bay ELC car park relative to potential through traffic and impacts of the exit on adjacent residents. If the application is supported, it is recommended that a minor modification is made to remove the exit onto Stirling Road. This will provide for a further two car

parking bays and reversing bay (without impacting on existing vegetation) and increasing the total additional parking provision resulting from this application to 59 bays.

#### Additional Traffic and Parking Improvement Measures

A number of alternative traffic circulation and parking proposals have been raised in the submissions and by the Town. These include the opening of the Stirling Road drop-off area, reopening of the east-west Kott Terrace extension, provision of a new access road from Shenton Road and additional parking / drop-off bays in Wright Avenue. The options are discussed in detail below.

- Shenton Road Drop-off Area

The applicant would like to convert the existing approved drop-off bays in Shenton Road to a bus bay to reduce the impact of bus parking in the surrounding streets. The applicant has concerns in this regard and proposes to have this addressed as part of proposals to relocate the uniform store to Royce House and provide additional parking at that location. The following comments are provided by the applicant in this regard:

*"We will resubmit our DA and associated traffic management plan to reflect ... the conversion of a grass area outside Royce House on Shenton to create at least another 10 bays (subject to a future application). This work is however on the proviso that the bus lane on Shenton is not reopened as a drop off for cars. The College has spent \$4.5m dollars trying to improve the flow down Shenton Rd which is universally praised as being a great success. Furthermore, the redeployment of our gazetted cross walk to Claremont Crescent was done because parents would not be dropping off their sons half way down Shenton Rd.*

*Due to the new underpass, parents are now dropping their sons off south of the railway line and at a number of locations which were never used before. The controlled cross walk on Claremont Crescent, in conjunction with the underpass at Shenton Rd, now provide a guaranteed safe passage which has led to an increased use of the train system and less people feeling they need to drop their son off immediately next to the school because of the worry of crossing Shenton Rd. The suggestion to reopening this is simply flawed thinking. Once the (approved Shenton Road) slip way is filled with 6 cars, the rest of the cars will be queuing out onto Shenton Rd which takes us back to where the community was 4 years ago. Putting the slip way back in with a design to cater for buses, as we promised the local residents, has also allowed us to take buses away from the side streets and Shenton Rd, especially given the complaints from Stirling Rd. This has facilitated the movement of large groups of students. Stirling Rd has not had one of our busses parking or waiting there for a number of year; something which appears to have been lost in the passage of time."*

As this is already approved for a drop-off area, this matter should be addressed as part of the TMTP.

- Re-opening of East-west Kott Terrace Extension



This would provide for removal of traffic queuing in Stirling Road in school grounds to allow drop-off and collection between the boarding houses and Junior School. The school has made the following comments in relation to this proposal:

*"I urge everyone to remember that since we have been addressing the issue of traffic flow and parking, some 100 vehicles now use the Gooch area and tennis court surrounds to park and drop off or walk their son to school from this area. These cars came from Stirling Rd and will return there if the old internal school drop off road is reopened as will those using other drop off areas such as the recently expanded Claremont Crescent. Furthermore the education strategy we have employed to stop parents dropping off their son at the old Shenton Rd slipway, will have been wasted and these parents will revert to using the old internal school road that can only be accessed by driving down Stirling Rd. This makes no sense and instead of improving Stirling Rd, the adoption of (this proposal) will return it to gridlock down Shenton Rd and encourage other vehicles that have stopped using Stirling Rd to return. The College would never have made the significant financial investment to improve traffic flow around the whole school if we thought we would return to what existed before."*

It is noted that this internal access was part of the original traffic management plan and Masterplan for the School. This access was closed when the drop-off pick up bays were constructed at the end of Stirling Road. This action was not approved by Council. Notwithstanding this background, it is considered that this matter should be deferred pending finalisation of the TMTP and an audit of the impacts of the parking restrictions now in place in Stirling Road together with an assessment of the actual impacts of this application once the ELC has commence operation.

- Shenton Road Access

A further proposal has been suggested to implement a former Masterplan proposal to provide an access directly off Shenton Road (between 33 and 35 Shenton Road) to the rear of the ELC. This plan would traverse past existing school residences and would provide the opportunity for additional parking provision and provide for an alternative entry off Shenton Road which may reduce incoming traffic in Stirling Road. The school does not support this option due to the impacts on its staff residents'; however this should be further investigated and addressed formally through the TMTP.

- Wright Avenue Parking / Drop-off Bays

A final option, which has been supported by the school is to improve the spread of traffic and parking in the locality and reduce the impact of school traffic and parking in Stirling Road by providing for an additional drop-off area in Wright Avenue (see attached plan). Council has already committed to improving the width of the footpath on the western side of Wright Avenue between Shenton Road and Saunders Street. Plans prepared by the Town indicate that an option can be to extend this project to address the eastern side of this section of the street to provide for seven additional parking / drop-off bays at an estimated cost of \$20,000. This plan requires consultation with adjacent residents prior to implementation; however, given the benefits of improved pedestrian, parking and traffic flow envisaged, the proposal is expected to receive support.

### Options

This application has proven to be particularly controversial, with the presentation of significant concerns relative to the parking and traffic generation impacts on Stirling Road and local residents. There are a number of options therefore available to Council in determining this proposal. These options include refusal, deferral pending finalisation of the TMTP or conditional approval.

As indicated above, the revised proposals together with new parking restrictions in Stirling Road should significantly improve parking and traffic flow associated not only with the proposed development, but the school generally and parking associated with sports events and improvements to parking at Lake Claremont. In addition, the parking proposed more than adequately accommodates the parking demands for the ELC.

It is noted that if this application is refused, the current plans for the school to introduce a new year one stream may be unabated as there are limited planning conditions which can presently control this growth. A conditional approval which restricts the growth of the non-boarder student population will provide a significant control measure to regulate the impact of the school on the locality linked with measurable improvements under the TMTP to address ongoing parking and traffic issues prior to commencement of the use and any further increases in non-boarder student numbers and development of a Masterplan to guide the future development of the school to the satisfaction of Council.

Accordingly, refusal or deferral of the application pending finalisation of the TMTP is not recommended. Council could impose conditions which relate to the reinstatement of the Shenton Road drop-off bays and reopening of the Kott Terrace extension, however it is considered more appropriate that these matters be fully addressed as part of the TMTP and be subject to review once the ELC has commenced operation.

### **Conclusion**

The proposed ELC will provide an additional educational service for families in the area, extending the range of ages children who can attend Scotch College. This will have significant benefits for the area in general. Whilst significant concern has been raised with regard to the growth of the school and traffic and parking impacts of the proposal, the parking restrictions now in place in Stirling Road and revised plans provide for considerable improvements in parking and traffic movement generally whilst also assisting to address ongoing concerns regarding sporting event parking and provide for additional parking availability in both the Stirling Road car park and in Wright Avenue.

Based on the above, it is recommended that conditional approval be granted subject to the conditions in the officer's recommendation which require modifications to the parking area and traffic flow on site, place restriction on non-boarder student numbers and FTE staff final satisfaction and approval of the TMTP prior to commencement of use (or no later than 1 February 2016) and consideration of any further student population and staff growth.

## **Voting Requirements**

Simple majority decision required.

### **Moved Cr Haynes, Seconded Cr Goetze**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council grant planning APPROVAL for an extension of the existing ‘Educational Establishment’ use at Lot 400 (No. 31) Shenton Road, Swanbourne, to accommodate an Early Learning Centre for Scotch College subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.00067), as amended by these conditions;**
  - 2. Numbers at the Early Learning Centre shall not exceed 44 students and six adult teachers/assistants at any one time;**
  - 3. Non-boarder student numbers at the College shall not exceed 1446 students, (being the stated 2015 intake plus the 44 students for the Early Learning Centre). Full time equivalent staff is to be restricted to 267. Any increase in non-boarder student numbers and full time equivalent staff are subject to Council approval and finalisation and adoption of a Council approved Traffic Management and Transport Plan which addresses parking and traffic circulation associated with the school in the locality to the satisfaction of the Council;**
  - 4. The Scotch College Traffic Management and Transport Plan is to be updated to address concerns raised in this report including reference to the approved changes and address the proposals for the extension of Kott Terrace, direct access to Shenton Road and the conversion of the approved drop-off bays in Shenton Road to bus bays prior to consultation. The Traffic Management and Transport Plan is to be advertised for public comment and submitted to Council for approval prior to commencement of the Early Learning Centre (and in any case no later than 1 February 2016) and consideration of any further increases in the non-boarder student population. Any requirements of the Plan which is to be finally adopted by Council are to be implemented on an ongoing basis and incorporated in a new Masterplan to guide the future development of the School to the satisfaction of Council;**
  - 5. Within six months of the commencement of the Early Learning centre use (and in any case no later than 1 July 2016), the Applicant is to submit an Audit Report of the impacts of the development on traffic in Stirling Road to Council for approval. If Council is of the view that additional measures are required to ameliorate the impact of the development on the locality, the school is to prepare options for Council’s consideration and approval and the School’s implementation prior to any further development works being undertaken at the school and in any case no later than 1 October 2016;**
  - 6. Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Wright Avenue which will create additional parking and drop-off areas for the School, alleviating traffic in Stirling Road;**
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7. **Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Stirling Road car park which will create additional parking areas for the school at the same time as improving access to the Lake Claremont playground;**
8. **Approval of the construction of the additional parking bays and egress into Stirling Road is conditional upon the applicant entering into a Legal Agreement with the Town of Claremont for reciprocal access over the adjacent car parking area and drop-off bays. The Agreement is to be registered as an easement in gross on the Certificate of Title with the agreement being prepared by Council's solicitors at the applicant's cost prior to the issue of a Building Permit;**
9. **The College appoint parking wardens to manage the Stirling Road pick-up and drop-off area to ensure efficient and proper operation and the wardens be in place on Monday to Friday (excluding public and school holidays) during the following times:**  
**Mornings - 7:45am to 9:00am**  
**Afternoons - 2:15pm to 3:30pm;**
10. **The extended drop off area at the end of Stirling Road is to be re-designed to allow overflow parking onto the Scotch playing fields during major events;**
11. **The Early Learning Centre car park is to be modified to provide for two additional car parking bays together with a turn-around bay and reversing area without impact on existing vegetation at the front of the property and removal of the direct exit and crossover onto Stirling Road to the satisfaction of the Town of Claremont.**
12. **All car parking areas are to be constructed and maintained to the satisfaction of the Town of Claremont;**
13. **All car parking areas are to be constructed to meet Australian Standards 2890.1: 2004 'Off Street Car Parking Facilities';**
14. **Landscaping as shown on the approved plans is to be installed and maintained to a high standard to the satisfaction of the Town of Claremont;**
15. **All stormwater is to be contained on site. Details are to be provided on the application for a Building Permit; and**
16. **This approval is valid only if the development is substantially commenced within 24 months of the date of approval.**

**ADVICE NOTES:**

- a) **Scotch College is advised that continued expansion of the school is dependent on ongoing implementation of the Traffic Management and Transport Plan for the school and approval by the Council. Since the approval of the middle school redevelopment in 2013 substantial improvements to traffic flow and parking have been achieved however outstanding issues including but not limited to those clauses detailed within this report that require further attention;**

- b) In regards to Conditions 12 and 13, car park and crossover designs are to be submitted to and approved by the Town's Engineering Services prior to construction;
  - c) This is a Planning Approval only and a Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission;
  - d) As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for disabled Access AS1428;
  - e) The applicant/owner is advised of the following health requirements from the Town's Health Services. For further information please contact the Town's Health Services on 9285 4300:
    - (i) Under the *Environmental Protection (Noise) Regulations 1997* no construction work is to be permitted or suffered to be carried out:
      - (a) Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
      - (b) On a Sunday or on a public holiday.
    - (ii) The building is required to be registered as a public building under the *Health (Public Buildings) Regulations 1992* prior to occupation;
    - (iii) Premises may be deemed to be a vulnerable persons facility, requiring a Fire Safety Plan to be submitted prior to issue of a Building Permit;
    - (iv) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space, emergency exits and toilet facilities;
    - (v) Food related facilities are to comply with the *Food Act 2008* and the food business is to be registered with the Town of Claremont's Health Services;  
  
Construction of commercial food businesses are required to comply with AS 4674:2004.  
  
Fit out plans of the kitchen and food preparation areas, floor plan and elevations, showing equipment and schedule of finishes must be submitted to and approved by the Town's Health Services prior to the issue of a Building Permit and the fitout inspected prior to commencement of operation; and
  - f) If the Applicant is aggrieved by this determination, a right of review may exist under the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination."
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**AMENDMENT**

**Moved Cr Mews, Seconded, .....**

That clause 3 be deleted

3. Non-boarder student numbers at the College shall not exceed 1446 students, (being the stated 2015 intake plus the 44 students for the Early Learning Centre). Full time equivalent staff is to be restricted to 267. Any increase in non-boarder student numbers and full time equivalent staff are subject to Council approval and finalisation and adoption of a Council approved Traffic Management and Transport Plan which addresses parking and traffic circulation associated with the school in the locality to the satisfaction of the Council;

Reason: This clause is an onerous one for the school.

The amendment lapsed for want of a seconder.

**AMENDMENT**

**Moved Cr Browne, Seconded Cr Lorenz**

That Council insert the following conditions 13 and 14 and that the following conditions be renumbered accordingly:

- “13. The former east-west Kott Terrace internal access road be re-opened, prior to the opening of the Early Learning Centre, to provide for additional queuing space and drop-off bays north of the Library and Junior School;**
- 14. The former Shenton Road drop-off area be re-opened for drop-off and collection of students, prior to the opening of the Early Learning Centre. The operation of the drop-off area is to be managed by College appointed wardens on school days, during the hours of 7:45am to 9.00am and 2.15pm to 3.30pm, to ensure efficient operations and minimal disruption of traffic flow in Shenton Road to the satisfaction of the Town of Claremont. The drop-off area may only be used for bus bays outside of normal school drop-off and collection times.”**

Reason: The addition of conditions 13 and 14 are to address the fact that Council has not approved the closure of the internal access road or the drop-off bays and it is considered that traffic conditions in Shenton Road and Stirling Road have deteriorated since the closure of these facilities.

**Cr Browne spoke for five Minutes.**

**The Presiding Member, Mayor Jock Barker advised Cr Browne that he had spoken for five minutes. He called for a Procedural Motion to allow Cr Browne to continue speaking.**

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**PROCEDURAL MOTION FOR EXTENSION OF TIME TO SPEAK**

**Moved Cr Wood, Seconded Cr Edwards**

**That Cr Browne be granted an extension of time to speak.**

**CARRIED(137/15)  
(NO DISSENT)**

**Cr Browne continued speaking.**

**Debate ensued.**

**THE AMENDMENT WAS PUT AND CARRIED**

**CARRIED(138/15)**

For the Amendment: Mayor Barker and Crs, Browne, Edwards, Goetze, Lorenz, and Mews.

Against the Amendment: Crs Haynes, Kelly and Wood.

**THE PRIMARY MOTION AS AMENDED WAS PUT AND CARRIED**

**THAT Council grant planning APPROVAL for an extension of the existing 'Educational Establishment' use at Lot 400 (No. 31) Shenton Road, Swanbourne, to accommodate an Early Learning Centre for Scotch College subject to the following conditions and advice notes:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2015.00067), as amended by these conditions;**
- 2. Numbers at the Early Learning Centre shall not exceed 44 students and six adult teachers/assistants at any one time;**
- 3. Non-boarder student numbers at the College shall not exceed 1446 students, (being the stated 2015 intake plus the 44 students for the Early Learning Centre). Full time equivalent staff is to be restricted to 267. Any increase in non-boarder student numbers and full time equivalent staff are subject to Council approval and finalisation and adoption of a Council approved Traffic Management and Transport Plan which addresses parking and traffic circulation associated with the school in the locality to the satisfaction of the Council;**
- 4. The Scotch College Traffic Management and Transport Plan is to be updated to address concerns raised in this report including reference to the approved changes and address the proposals for the extension of Kott Terrace, direct access to Shenton Road and the conversion of the approved drop-off bays in Shenton Road to bus bays prior to consultation. The Traffic Management and Transport Plan is to be advertised for public comment and submitted to Council for approval prior to commencement of the Early Learning Centre (and in any case no later than 1 February 2016) and consideration of any further increases in the non-boarder student population. Any requirements of the Plan which is to be finally adopted by Council are to be implemented on an ongoing basis and incorporated in a new Masterplan to guide the future development of the School to the satisfaction of Council;**

5. Within six months of the commencement of the Early Learning centre use (and in any case no later than 1 July 2016), the Applicant is to submit an Audit Report of the impacts of the development on traffic in Stirling Road to Council for approval. If Council is of the view that additional measures are required to ameliorate the impact of the development on the locality, the school is to prepare options for Council's consideration and approval and the School's implementation prior to any further development works being undertaken at the school and in any case no later than 1 October 2016;
  6. Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Wright Avenue which will create additional parking and drop-off areas for the School, alleviating traffic in Stirling Road;
  7. Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Stirling Road car park which will create additional parking areas for the school at the same time as improving access to the Lake Claremont playground;
  8. Approval of the construction of the additional parking bays and egress into Stirling Road is conditional upon the applicant entering into a Legal Agreement with the Town of Claremont for reciprocal access over the adjacent car parking area and drop-off bays. The Agreement is to be registered as an easement in gross on the Certificate of Title with the agreement being prepared by Council's solicitors at the applicant's cost prior to the issue of a Building Permit;
  9. The College appoint parking wardens to manage the Stirling Road pick-up and drop-off area to ensure efficient and proper operation and the wardens be in place on Monday to Friday (excluding public and school holidays) during the following times:  
Mornings - 7:45am to 9:00am  
Afternoons - 2:15pm to 3:30pm;
  10. The extended drop off area at the end of Stirling Road is to be re-designed to allow overflow parking onto the Scotch playing fields during major events;
  11. The Early Learning Centre car park is to be modified to provide for two additional car parking bays together with a turn-around bay and reversing area without impact on existing vegetation at the front of the property and removal of the direct exit and crossover onto Stirling Road to the satisfaction of the Town of Claremont.
  12. All car parking areas are to be constructed and maintained to the satisfaction of the Town of Claremont;
  13. The former east-west Kott Terrace internal access road be re-opened, prior to the opening of the Early Learning Centre, to provide for additional queuing space and drop-off bays north of the Library and Junior School;
  14. The former Shenton Road drop-off area be re-opened for drop-off and collection of students, prior to the opening of the Early Learning Centre.
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The operation of the drop-off area is to be managed by College appointed wardens on school days, during the hours of 7:45am to 9.00am and 2.15pm to 3.30pm, to ensure efficient operations and minimal disruption of traffic flow in Shenton Road to the satisfaction of the Town of Claremont. The drop-off area may only be used for bus bays outside of normal school drop-off and collection times;

15. All car parking areas are to be constructed to meet Australian Standards 2890.1: 2004 'Off Street Car Parking Facilities';
16. Landscaping as shown on the approved plans is to be installed and maintained to a high standard to the satisfaction of the Town of Claremont;
17. All stormwater is to be contained on site. Details are to be provided on the application for a Building Permit; and
18. This approval is valid only if the development is substantially commenced within 24 months of the date of approval.

**ADVICE NOTES:**

- a) Scotch College is advised that continued expansion of the school is dependent on ongoing implementation of the Traffic Management and Transport Plan for the school and approval by the Council. Since the approval of the middle school redevelopment in 2013 substantial improvements to traffic flow and parking have been achieved however outstanding issues including but not limited to those clauses detailed within this report that require further attention;
- b) In regards to Conditions 12 and 15, car park and crossover designs are to be submitted to and approved by the Town's Engineering Services prior to construction;
- c) This is a Planning Approval only and a Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission;
- d) As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for disabled Access AS1428;
- e) The applicant/owner is advised of the following health requirements from the Town's Health Services. For further information please contact the Town's Health Services on 9285 4300:
  - (i) Under the *Environmental Protection (Noise) Regulations 1997* no construction work is to be permitted or suffered to be carried out:
    - (a) Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
    - (b) On a Sunday or on a public holiday.
  - (ii) The building is required to be registered as a public building under the *Health (Public Buildings) Regulations 1992* prior to occupation;

- (iii) Premises may be deemed to be a vulnerable persons facility, requiring a Fire Safety Plan to be submitted prior to issue of a Building Permit;
- (iv) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space, emergency exits and toilet facilities;
- (v) Food related facilities are to comply with the *Food Act 2008* and the food business is to be registered with the Town of Claremont's Health Services;

Construction of commercial food businesses are required to comply with AS 4674:2004.

Fit out plans of the kitchen and food preparation areas, floor plan and elevations, showing equipment and schedule of finishes must be submitted to and approved by the Town's Health Services prior to the issue of a Building Permit and the fitout inspected prior to commencement of operation; and

- f) If the Applicant is aggrieved by this determination, a right of review may exist under the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination.

Debate ensued.

**CARRIED(139/15)**

For the Amended Primary Motion: Mayor Barker and Crs Browne, Goetze, Haynes, and Mews.

Against the Amended Primary Motion: Crs Edwards, Kelly, Lorenz, and Wood.

### 13.3 INFRASTRUCTURE

#### 13.3.1 ADDITIONAL FOOTPATHS IN 2015-16 FOOTPATH PROGRAMME

<b>File Ref:</b>	<b>RDS/00289</b>
<b>Attachments:</b>	<a href="#">001. AMP Footpaths</a> <a href="#">002. Footpath Policy LV125</a> <a href="#">003. Map of Low Vehicle volume streets</a>
<b>Responsible Officer:</b>	<b>Saba Kirupananther</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Margaret Brophy</b> <b>Asset Technical Services Officer</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>

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#### **Purpose**

For Council to approve additional footpaths for the 2015-16 programme.

#### **Background**

The Asset Management Plan for footpaths identified all footpaths within the Town, their width, construction material and replacement cost. It also identified a priority hierarchy based on condition, location, traffic volume and user groups.

The Town of Claremont Footpath Policy (Attachment 002) specifies footpaths to be of minimum width of 1.5m and only one side of the street for local roads.

The condition of footpaths is checked annually and following this the path network is rated and a list submitted to Council for budget allocation. The total network value amortised over an anticipated useful life of 40 years for concrete footpaths indicates \$340,000 should be spent annually on renewal.

The 2015-16 Infrastructure budget provided \$451,340 for replacement of:

- a) High Risk footpaths regardless of type of construction;
- b) Footpaths as part of the streetscape where there is road renewal;
- c) Slab footpaths which included \$157,640 to progress the slab replacement programme.

#### **Discussion**

The majority of the Town of Claremont has footpaths on both sides of the road and as almost the entire town is within 400 metres of shops, schools or aged accommodation it is recommended to retain a strong path network. Clarification is now sought regarding the Footpath Policy and retention of both footpaths on local roads.

Attachment 003 specifies the local roads which have a footpath on both sides and less than 1,000 vehicles per day. Some of these are slab footpaths in poor condition. To determine whether the path is to be removed or retained the following selection criteria would be used:

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The footpath to be retained should be selected based on the following:

- a) The verge width allows for a 1.5+ metre footpath;
- b) The footpath has a direct connection to schools, public transport, shops or aged care;
- c) The footpath is a link in the Town's cycle path network or on a Perth Bike Network route and provides an off road option for inexperienced cyclists;
- d) The condition of the path is good;
- e) The path has previously been renewed in concrete.

The footpath to be removed should be based on the following:

- a) The condition of the footpath is poor;
- b) There is a poor connectivity due to missing segments in the street;
- c) There are a greater numbers of crossovers, intersections and service pits.

If all conditions are equal then community consultation to be carried out to determine which side residents prefer to be retained.

The additional funding allocation is based on the Footpath Policy and replacing/removing slab paths in the following order:

- a) Those identified as high risk;
- b) Those which are on the current roads programmed as part of streetscape renewal;
- c) Those which have a higher replacement priority due to the hierarchy ranking.

It is anticipated that residents on some streets will object to footpath removal and should be consulted as to whether they wished to retain a path connection between the cross over and pedestrian access to their property.

### **Past Resolutions**

Nil.

### **Financial and Staff Implications**

Allocation of unallocated funds from approved 2015-16 Budget.

### **Policy and Statutory Implications**

Town of Claremont Footpath Policy LV125.

### **Publicity**

Community consultation

### **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.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.

- Maintain and upgrade infrastructure for seamless day to day usage.

### **Urgency**

An early decision will allow Officers to programme the works.

### **Voting Requirements**

Absolute majority decision required.

### **Moved Cr Edwards, Seconded Cr Haynes**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council:**

- 1. RE-AFFIRMS the Town of Claremont Footpath Policy LV125 to have footpaths only on one side of local roads and informs residents and owners of properties in affected areas; and**
- 2. APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of unallocated budget of \$157,640 to:**
  - 2.1. Replace slab footpaths on:**
    - 2.1.1. Stirling Road East, Shenton Rd to Stirling Park – Condition 5;**
    - 2.1.2. Shenton Rd North, Shenton PI to Stirling Rd – Condition 4;**
    - 2.1.3. Fraser St South – Streetscape;**
    - 2.1.4. Langsford Street from Stirling Hwy to Gugeri St (in addition to funds already allocated); and**
  - 2.2. Remove slab footpaths on:**
    - 2.2.1. Prospect Rd South – Condition 5;**
    - 2.2.2. Riley Rd South – Condition 5;**
    - 2.2.3. Mary St East – Condition 4;**
    - 2.2.4. Walter St East – Condition 4;**
    - 2.2.5. Fraser St North – Streetscape.”**

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**AMENDMENT**

**Moved Cr Haynes, Seconded Cr Goetze**

**That the following clause be deleted –**

**“2.2.4, Walter St East – Condition 4;”**

Reason: This street serves as a major pedestrian access to the St Thomas Primary School – as such, two footpaths are justified for safety reasons.

**Debate ensued.**

**CARRIED(140/15)  
(NO DISSENT)**

**THE PRIMARY MOTION AS AMENDED WAS PUT AND CARRIED**

**That Council:**

**1. RE-AFFIRMS the Town of Claremont Footpath Policy LV125 to have footpaths only on one side of local roads and informs residents and owners of properties in affected areas; and**

**2. APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of unallocated budget of \$157,640 to:**

**2.1. Replace slab footpaths on:**

**2.1.1. Stirling Road East, Shenton Rd to Stirling Park – Condition 5;**

**2.1.2. Shenton Rd North, Shenton Pl to Stirling Rd – Condition 4;**

**2.1.3. Fraser St South – Streetscape;**

**2.1.4. Langsford Street from Stirling Hwy to Gugeri St (in addition to funds already allocated); and**

**2.2. Remove slab footpaths on:**

**2.2.1. Prospect Rd South – Condition 5;**

**2.2.2. Riley Rd South – Condition 5;**

**2.2.3. Mary St East – Condition 4;**

**2.2.4. Fraser St North – Streetscape.**

**CARRIED BY AN ABSOLUTE MAJORITY(141/15)  
(NO DISSENT)**

**Reason for changing the Officer Recommendation:**

Walter Street (east) serves as a major pedestrian access to St Thomas Primary School – as such the two footpaths are justified for safety reasons.

*It was requested that item 13.3.5 be considered before item 13.3.2, as there were numerous people in the public gallery waiting for the item.*

*The Presiding Member, Mayor Jock Barker agreed and requested that a Procedural Motion be put.*

**PROCEDURAL MOTION**

**Moved Cr Goetze, Seconded Cr Browne**

**That Item 13.3.5 be considered next, as there are people in the public gallery waiting for it.**

**PUT AND CARRIED WITHOUT DISSENT(142/15) (Refer to page 70)**

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### 13.3.2 CLIFF WAY AND BRAE ROAD LOCAL AREA TRAFFIC MANAGEMENT TREATMENT

<b>File Ref:</b>	<b>RDS/00181</b>
<b>Attachments:</b>	<a href="#">001. LATM Concept – Partial Closure</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Marty Symmons Engineering Technical Officer</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>

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#### **Purpose**

For council to consider approving a six month trial for the temporary partial road closure of Cliff Way to improve safety by significantly reducing traffic volume in Cliff Way from Brae Road to Richardson Avenue.

#### **Background**

Cliff Way is currently classified as a Local Access Road however it is a non-standard width and configuration. The average width of Cliff Way is 4.8 metres. This is below the recommended minimum lane width of two 3.0 metres wide lanes for two way vehicle travel, according to current Austroads and Main Roads WA Standards.

Although traffic volumes and speeds are deemed low for a local access road according to the Austroads guidelines, the narrow lane width on Cliff Way necessitates a more conservative approach to what is deemed reasonable usage.

Cliff Way is currently being used as a route from suburbs to the south, to the Methodist Ladies' College (MLC) and Christ Church Grammar School (CCGS). These vehicles typically drop off or pick up children at the schools and then return via the route they had come, to avoid having to use Stirling Highway.

In 2014, a new footpath was installed on Cliff Way to assist pedestrian movements to the two schools. As the traffic lane is very narrow vehicles are sometimes required to mount the footpath to allow vehicles to pass travelling in the opposite direction, which is a safety hazard for pedestrians using the new footpath.

A number of Local Area Traffic Management (LATM) treatments have been considered and/or implemented to lower the volumes at this location, however volumes remain at an average over 900 vehicles per day. The installation of three sets of speed humps within Cliff Way as a discouraging measure has not lessened the volumes using this route.

Main Roads WA (MRWA) have rejected all of the Towns other proposed LATM treatments, other than the speed humps that have already been implemented.



## Discussion

Main Roads WA recently suggested that a partial closure of the Corry Lynn Road and Brae Road roundabout may be a possible solution to lowering two way traffic volumes on Cliff Way. This would prevent vehicles returning from Corry Lynn Road back onto Brae Road, forcing them to exit onto Stirling Hwy.

This proposal was drafted and provided to the local residents for comment. It was simultaneously assessed by the Town.

Upon assessment by the Town it was apparent that although the partial closure of the roundabout would achieve its intended purpose of lowering traffic volumes on Cliff Way, it would also have a gross negative impact upon the existing drop off facilities on Corry Lynn Road. It would also likely result in dangerous driver behaviour on Brae Road and Corry Lynn Road.

Submissions received back from the residents and the schools were also in the majority against the proposal.

In reviewing the remaining LATM options available that have not already been ruled out by MRWA, or are seen as having a negative impact to the surrounding road network, the Town is limited in its options.

An LATM treatment which would achieve the desired outcome of lowering two-way traffic volume on Cliff Way without impacting on the functionality of the Corry Lynn Road School drop off facilities is the partial closure of Cliff Way at Brae Road. This closure would make Cliff Way an exit only at the Brae Road and Cliff Road intersection.

This would mean that the only access to Cliff Way would be from Richardson Avenue. Residents of Cliff Way could still exit onto either Richardson Avenue, or onto Brae Road or Cliff Road. Two-way traffic on Cliff Way would be limited to the residents of Cliff Way only.

Vehicles which have travelled through Cliff Way to drop off children at the schools would be required to return via Stirling Hwy, turning left out of either Cliff Road or Corry Lynn Road.

It is recommended to trial the partial road closure for a period of six months and then to assess the effectiveness, before deciding whether to retain the treatment on a permanent basis or to remove it. Before the Council decide a partial road closure, including a temporary trial for a period exceeding four weeks, the statutory process under section 3.50 of the *Local Government Act 1995* will need to be carried out.

## Past Resolutions

Ordinary Council Meeting 18 March 2014, Resolution 38/14,

*That Council include for consideration in the 2014-15 Budget;*

1. *Construction of a temporary "nib" for a 6 month trial period at the north east corner of the junction of Cliff Way and Brae Road to be followed by community consultation;*

2. A "Give Way sign" with appropriate road markings on the traffic lane on Brae Road heading west; and
3. Construction is to commence after the footpath has been completed.

CARRIED

Ordinary Council Meeting 7 April 2015, Resolution 51/15,

*That Council*

1. Approves, for consultation with the community in the local precinct (Brae Road, Corry Lynn Road, Cliff Way, Cliff Road) and Methodist Ladies College and Christ Church Grammar School, the draft concept plan to close Brae Road to westerly traffic entering from Corry Lynn Road;
2. Receives a further report following completion of consultation.

CARRIED  
(NO DISSENT)

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

Local Government Act 1995 (mainly section 3.50), Main Roads WA and Austroads Design guidelines.

### **Publicity**

Follow the notification process as per the *Local Government Act 1995*. Write to the residents and owners in the local area (Cliff Way, Cliff Road, Brae Road, Corry Lynn Road and Richardson Avenue between Stirling Hwy and Cliff Way) as well as the local MLC and Christ Church schools, notifying them of the trial partial closure of Cliff Way at the Brae Road and Cliff Road intersection which will be undertaken for a period of six months; upon which time they will be consulted with to assess the effectiveness and suitability of the trial prior to Council considering to make it permanent installation, or to remove the partial road closure.

### **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.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

#### **Urgency**

N/A

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### **Voting Requirements**

Simple majority decision required.

### **Moved Cr Kelly, Seconded Cr Goetze**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council:**

- 1. APPROVES to commence the partial road closure process under section 3.50 of the *Local Government Act* 1995 for the temporary trial partial closure of Cliff Way, prohibiting entry from the Brae Road and Cliff Road intersection for a period of six months, upon which time assess the traffic flows and volumes and survey the affected residents to assess the effectiveness and suitability of the treatment;**
- 2. CONSULTS the owners/residents of the properties on Cliff Way, Cliff Road, Brae Road, Corry Lynn Road and Richardson Avenue (between Stirling Hwy and Cliff Way) and two local schools (Methodist Ladies College and Christ Church Grammar School), inviting submissions from them regarding the temporary partial road closure of Cliff Way on a six month trial basis; and**
- 3. NOTES that a further report, together with any submissions received at the conclusion of the six month trial period, will be submitted to Council.”**

Discussion ensued.

**CARRIED(144/15)  
(NO DISSENT)**

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### 13.3.3 GUGERI STREET/LOCH STREET/RAILWAY ROAD INTERSECTION MODIFICATION – CITY OF NEDLANDS – FEDERAL BLACK SPOT SUBMISSION

<b>File Ref:</b>	<b>RDS/00263</b>
<b>Attachments:</b>	<a href="#">001. Pedestrian Traffic signal</a> <a href="#">002. Road layout</a> <a href="#">003. Carpark layout (existing and proposed)</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Nicholas King</b> <b>Manager Engineering Services</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>

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#### **Purpose**

For the Council to consider the final design by the City of Nedlands for the Guger Street, Loch Street and Railway Road modifications.

#### **Background**

Following the Council resolution on 6 August 2013, the Town together with the City of Nedlands progressed with a proposal to modify the intersection of Guger Street, Loch Street and Railway Road, Claremont.

The basis of the proposal was due to the City of Nedlands obtaining Federal Government black spot funding to make the intersection more efficient and safer for vehicles, pedestrians and users.

As was approved on the 6 August 2013, the creation of the right turn pocket from Guger Street to Loch Street in addition to existing lanes in both directions would be an expensive option of approximately \$553,500. However, this treatment will benefit all road users in the long term and allows the drivers in Guger Street to use both the Chancellor and Loch intersections for turning right. Also the space in the middle will allow the right turn vehicles from Loch St to Railway Rd to do the turn in two steps and improves the safety of the intersection.

The City of Nedlands, to further improve the intersection of Guger Street, Loch Street and Railway Road, are also proposing a signalised pedestrian crossing to accommodate pedestrian and public transport users. This is part of the above funding.

In addition, it is proposed to have the “right turn green arrow” from Guger St to Chancellor St and ban the right turn from Guger St to Ashton Ave during peak times. This is not part of the above funding. Main Roads WA (MRWA) will assess the technical feasibility of the proposal. If acceptable it will be costed and a separate grant application will be made in the future.

## Discussion

When this project design began, the crash statistics clearly revealed that the intersection of Guger Street, Ashton Avenue and Chancellor Street warranted an improved treatment. In 2013, the Town installed high mast signals with assistance of grant funding. The proposed right turn arrow treatment would further reduce the crashes.

The option to install the right turn lane on Guger Street into Loch Street is however, not supported by the two affected businesses being Diamond Hire and McCarthy Panel and paint. The proposed parking layout design provides for same number of parking and safer entry/ exit. The parking area is currently classified as road reserve.

The design created to accommodate the two affected businesses, shows both businesses not lose any actual parking bays, however it would change the way their customers enter and exit their properties. At a site meeting between the two business owners and the Town, a few suggestions were raised by the businesses to not have such an impact on their properties.

The suggestions from the businesses are as follows, which were already considered by the City of Nedlands in their design process and answered below:

1. Whether the whole road near the intersection could be shifted north up to the trunk of the trees and street light. Also they suggested that there is no need for a footpath as there is no foot traffic on the north side west of the intersection?

Moving the road design north is not an option due to minimum requirements to mature street trees and Western Power assets. Footpath removal is not an option due to use by pedestrians, parents with prams and people with physical disability especially during the annual Royal Show periods. There is also a sump located on the north which would be impacted upon. There is also a Public Transport Authority / Nedlands approved 'Park and Ride' car park facility currently 90% completed on Railway Road which would also be impacted upon. Therefore, this suggestion is not supported by the Town's officers.

2. Whether a traffic signal could be introduced at the intersection instead of these major modifications?

This was investigated in 2011 and MRWA would not provide Agreement In Principal for a signalised intersection due to insufficient warrants. Therefore this suggestion is not supported by the Town's officers.

3. Whether a roundabout could be introduced at the intersection instead of these major modifications?

A roundabout is not supported at this intersection because this is not the approved countermeasure and there is insufficient room to cater for the 4 traffic lanes on Railway Road / Guger Street with 2 traffic lanes on Loch Street with associated street parking and footpath infrastructure required for vehicles and universal access for pedestrians. There is also a strong possibility of land resumption required at Diamond Hire and PTA rail reserve land to the north to achieve the required geometry; in particular deflection criteria. A Western Power

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transformer will also need to be relocated. Also, having significantly varying traffic volumes along the legs is not ideal as it leads to high speeds and defeats the purpose of reducing crashes. Therefore this suggestion is not supported by the Town;'s officers.

4. Leave in the current status as they have not seen any major accidents?

Leaving the intersection 'as-is' is not an option due to the crash patterns as indicated in the latest MRWA CARS data (2010-2014). Eight accidents have occurred at the intersection in the last five years. Not having witnessed crashes does not mean there are none. The current countermeasure for this intersection qualified, audited and was approved for Black Spot Federal funding.

In conjunction with the City of Nedlands, the Town recommends that the proposed road layout, as shown in the Attachment 002 is the best outcome, considering the project will be funded through Federal Government black spot program.

### **Past Resolutions**

Ordinary Council Meeting 6 August 2013, Resolution 239/13,

*That Council:*

1. *Supports Black Spot application by the City of Nedlands to;*
  - a) *add a right turn pocket from Guger St to Loch St without impacting the existing through lanes in both directions*
  - b) *modify the traffic signal at the intersection of Guger Street, Ashton Avenue and Chancellor Street subject to the approval of Main Roads WA to –*
    - i) *Introduce of green arrow with a green filter during peak times and green filter at other times to turn right from Guger Street to Chancellor Street without impacting the existing traffic lanes/ road layout,*
    - ii) *Ban right turn from Guger Street to Ashton Avenue during peak times only,*
2. *If successful,*
  - a) *makes provision in the 2014-15 Budget for 50% share of the cost above grant funding*
  - b) *Inform immediately affected properties by a letter and public via the local media and advanced on road notices (to remain at least for three months).*
3. *Supports pedestrian signal on the east side of the Railway Road, Guger Street, Loch Street intersection.*

**CARRIED BY AN ABSOLUTE MAJORITY**

### **Financial and Staff Implications**

City of Nedlands is resubmitting their revised design for Federal Black Spot funding for the road layout modification to include a right turn pocket for vehicles to turn right from Guger Street to Loch Street, still maintaining two lanes in each direction. If the application is successful, it will be 100% grant funded.

The pedestrian signal on the east side of the intersection is yet to be approved by MRWA. If it is approved by MRWA in time it will also be included in the Federal funding submission. The total funding amount is \$553,500.

There is no funding available for the traffic signal modification at the intersection of Guger Street, Chancellor Street and Ashton Avenue. If MRWA approves the proposed modifications it will be a separate funding application in the future. The detail assessment and the impact on level service will be done before an approval is given by MRWA.

### **Policy and Statutory Implications**

Main Roads WA design guidelines and Austroads design guidelines

### **Publicity**

Inform the nearby businesses of the Council decision.

### **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.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Balancing the Town's historical character with complementary, well designed development.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

### **Urgency**

City of Nedlands is expecting an early reply from the Town.

### **Voting Requirements**

Simple majority decision required.

## OFFICER RECOMMENDATION

That Council:

1. RECONFIRMS the support for the Federal Black Spot application by the City of Nedlands, to add a right turn pocket from Guger Street to Loch Street, still maintaining two lanes in each direction of Guger Street and Railway Road;
2. APPROVES the modification of the traffic signals at the intersection of Guger Street, Ashton Avenue and Chancellor Street subject to the approval of Main Roads WA and future funding to:
  - 2.1. Introduce green arrow with a green filter during peak times and green filter at other times to turn right from Guger Street to Chancellor Street without impacting the existing traffic lanes/ road layout,
  - 2.2. Ban right turn from Guger Street to Ashton Avenue during peak times only,
3. INFORMS as soon as practicable all affected owners and residents of properties in the immediate vicinity by a letter and public via the local media and advanced on road notices (to remain in position for at least for three months) after the Federal funding approval of item 1; and
4. SUPPORTS a pedestrian signal on the east side of the Railway Road, Guger Street, Loch Street intersection.

## PROCEDURAL MOTION TO DEFER

**Moved Cr Lorenz, Seconded Cr Mews**

**That the item be DEFERRED, to allow the owners of Diamond Hire and McCarthy Car Craft to obtain their own professional traffic advice.**

*Cr Mews left the Chambers at 10.01PM and returned to the Chambers at 10.04PM.*

**PROCEDURAL MOTION WAS PUT AND CARRIED(145/15)**

For the Motion: Mayor Barker and Crs Browne, Lorenz, Mews and Wood.

Against the Motion: Crs, Edwards, Goetze, Haynes and Kelly.



### 13.3.4 THOMSON ROAD - STREET TREE SPECIES - REVIEW

<b>File Ref:</b>	<b>CUS/00284</b>
<b>Attachments:</b>	<a href="#">001. Current approved Street Tree Master Plan</a> <a href="#">002. Summary of Comments</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Jackie Parker</b> <b>Supervisor Parks &amp; Environment</b>
<b>Proposed Meeting Date:</b>	<b>4 August 2015</b>

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#### **Purpose**

To inform Council of the submissions, consultation results and feedback arising from the review of the Thomson Road street tree species.

#### **Background**

At its Ordinary Meeting held on 3 September 2013 (Resolution no. 263/13), Council adopted the Street Tree Masterplan after following a comprehensive community consultation process. The London Plane was selected for Thomson Road through this process; however this selection did not satisfy all residents.

In June 2015, a number of Chinese Tallow trees were purchased and planted by residents on verges in Thomson Road, which is contrary the Street Tree Masterplan. At this time, the Town initiated further consultation with the residents of Thomson Road in order to review the current tree selected (London Plane) and consider two further options (Poinciana and Chinese Tallow) aiming to gain a consensus.

#### **Discussion**

The results of the consultation show a majority of residents favouring a change in species from the London Plane to the Poinciana. Thirty two letter drops were carried out in Thomson Road and nineteen submissions were received. (A 59.3% response rate).

The results showing the most favoured tree are as follows:

- Ten respondents (53%) are in favour of the Poinciana.
- Five respondents (26%) are in favour of the London Plane.
- Three respondents (16%) are in favour of the Chinese Tallow.
- One respondent (5%) has not specified.

The majority of respondents indicated that the London Plane was the least favoured option. The results showing the least favoured tree are as follows:

- One respondent (5%) is not in favour of the Poinciana.
  - Ten respondents (53%) are not in favour of the London Plane.
  - Four respondents (21%) are not in favour of the Chinese Tallow.
  - Four respondents (21%) did not specify correctly.
-

The summary of respondent comments is detailed in Attachment 002.

Resident Concerns (grouped by tree species)

<b>Poinciana:</b>	
<i>Submission:</i>	<i>Officer Comment:</i>
"Too large".	Poinciana will grow to around six to eight metres which is a suitable height for street trees. This allows for adequate clearances for footpaths and roads, whilst achieving a dense canopy cover for the street. Poinciana is also semi-deciduous allowing for winter light to penetrate the canopy.

<b>London Plane:</b>	
<i>Submission:</i>	<i>Officer Comment:</i>
Absence of street sweeper.	Thomson Road is on a monthly street sweeping program. With the addition of deciduous/semi-deciduous trees, the Town will monitor the leaf drop and implement additional measures where required. This comment was also made regarding the Chinese Tallow.
Allergy aggravator.	Whilst it is commonly thought that London Plane is a high allergy aggravator, this generally only applies to those who are tree pruning or working closely with the trees during the period of seed drop.
"Too large".	London Plane will grow to around fifteen metres, which is a taller street tree. This does however allow for adequate clearances for footpaths and roads, whilst achieving a dense canopy cover for the street. London Plane is also a deciduous tree allowing for winter light to completely penetrate the canopy.
Too much shade.	In Perth's intense and highly varied climate, it is beneficial to establish deciduous trees which provide shade in hot summer months and allow sunlight to penetrate during cold winter months

**Past Resolutions**

Ordinary Council Meeting on 3 September 2013, Resolution 263/13:

*That Council*

1. *Adopt the Draft Town of Claremont Street Tree Master Plan 2013 with the following modifications:*
  - *Bernard St – change from London Plane to Liquidambar.*
  - *Dunbar St – change from London Plane to Poinciana.*
  - *Princess Rd – change from London Plane to Poinciana.*
  - *Australind St – change from Liquidambar to Poinciana.*
  - *Mengler Ave – change from Peppermint to Jacaranda*

- *Davies Rd (east side) – change from Liquidambar to Narrow Leafed Peppermint (Eucalyptus nicholii).*
  - *Barnfield Rd – change from WA Red Flowering Gum (Corymbia ficifolia) to Jarrah (Eucalyptus marginata).*
2. *Endorse the expenditure of 2013-14 budget allocation Street Tree Replacement Program - \$80,000 on the removal of dead, diseased or dangerous trees on a Town-wide basis including replanting with the species nominated in the Street Tree Master Plan 2013.*

*CARRIED (NO DISSENT)*

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

### **Policy and Statutory Implications**

*Local Government Act 1995.*

*Tree Promotion Policy EN304.*

*Street Tree Policy EN305.*

*Tree Preservation Policy EN307.*

### **Publicity - N/A**

### **Strategic Community Plan**

#### **Environment**

*We are a leader in responsibly managing the build and natural environment for the enjoyment of the community and continue to provide sustainable, leafy green parks, streets and outdoor spaces.*

#### **Liveability**

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

- *Clean, useable, attractive, accessible streetscapes and public open spaces.*

#### **Urgency**

Early approval will allow for the implementation of the decision this season.

### **Voting Requirements**

Simple majority decision required.

**Moved Cr Edwards, Seconded Cr Mews**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council:**

- 1. CONSIDERS the submission results and feedback received by the Town from the Thomson Road residents;**
- 2. APPROVES an amendment to the Street Tree Masterplan, indicating the change in tree species for Thomson Road from the London Plane Tree to the Poinciana Tree; and**
- 3. AUTHORISES the Town’s Officers to remove and relocate the newly planted non-approved trees in Thomson Road, to facilitate planting of the approved tree species during the 2015 planting season.”**

**CARRIED(146/15)  
(NO DISSENT)**

*The Mayor agreed that item 13.3.5 be considered before item 13.3.2.*

*Councillor Browne declared a proximity interest in Item 13.3.5 by virtue of being the owner of a property in the affected area and departed the Chamber at 9:39pm. He did not speak or vote on the item.*

### **13.3.5 PETITION REGARDING PROPOSED INSTALLATION OF CAR PARKING BAYS IN RICHARDSON AVENUE, CLAREMONT.**

**File Ref:** RDS/00236  
**Attachments:** [001. Summary of Submissions and Comments](#)  
**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure  
**Author:** Marty Symmons  
Engineering Technical Officer  
**Proposed Meeting Date:** 4 August 2015

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#### **Purpose**

To consider a report regarding a petition submitted at the Council meeting on 16 June 2015 on the proposed installation of car parking bays within the verge in Richardson Avenue, between Cliff Way and Wilson Street, Claremont.

#### **Background**

Following the Council decision (Resolution number 50/15) made on 7 April 2015, the Town consulted the residents in the area regarding the proposal to install new parking bays to facilitate and expedite the drop off of students attending the Methodist Ladies College and Christ Church Grammar School.

An initial proposal to install 16 new angled parking bays on the east side of Richardson Ave, between Cliff Way and Wilson Street, has met with strong resistance from the adjacent and surrounding residents.

#### **Discussion**

An overwhelming response against the proposed angled parking bays has been received by Council since conducting the consultation process with the residents on Richardson Avenue. Only four submissions (10%) out of forty were in favour of the installation, one of which was received from MLC. A petition signed by one hundred and nineteen (11%) people against the proposal was also received. Objections to this installation are summarised in the table shown at Attachment 001, along with officer responses.

Any new installation requires justification. To ensure that the location of any new facilities is optimal and fit for purpose, a comprehensive assessment should be undertaken with recommendations made addressing the safety, amenity and congestion of the area.

The levels of feedback received shows that a more consultative approach to this proposal is warranted and the community wants to be engaged on any new proposal put forward from an early stage. A number of the objections and suggestions raised also warrant further assessment. Repeat surveys of the locality are an inefficient way to engage with the residents on this matter. Rather a working group with representatives from the Council, Schools and local Community should be formed to assess future proposals.

### **Past Resolutions**

Ordinary Council Meeting 7 April 2015, Resolution 50/15,

*That Council*

1. *Endorse, for consultation with residents in Richardson Avenue between Cliff Way and Wilson Street and Methodist Ladies College and Christ Church Grammar School, all options (see attachment) of the draft concept plan for the installation of 90° angled parking bays in the verge area on the east side of Richardson Avenue between Wilson Street and Cliff Way:*
  - *With the reduction of carriageway width of Richardson Avenue to accommodate adequate length of car bays*
  - *With speed humps on both ends of the proposed parking area as the preferred school drop off/pick up area*
2. *Include the works for consideration in the 2015-16 Budget.*

#### Reasons:

*Option 1 includes –*

1. *Sealing the car parking bays which is important for the maintenance of a high use area and also for maintaining the amenity and appearance of the area.*
2. *Wheel stops which are important for the safety of students using the footpath.*
3. *Minimal impact on tree roots*

*Including CCGS in the consultation is important because –*

4. *Lots of boys are dropped off in Corry Lynne Rd as well as girls from MLC and we want the boy's parents to use the drop off and pick up zone as well.*
5. *We want CCGS to be aware of this proposal and to be on board with it so that they will promote its use through the school.*

**CARRIED (NO DISSENT)**

Ordinary Council Meeting 16 June 2015, Resolution 104/15,

*That the petition on the proposed installation of parking bays for a school drop off and pick up area in Richardson Avenue be received.*

**CARRIED (NO DISSENT)**

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation.

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## **Policy and Statutory Implications**

Australian Standards for on street parking.

## **Publicity**

Nil.

## **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.*

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Balancing the Town's historical character with complementary, well designed development.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

## **Urgency**

N/A

## **Voting Requirements**

Simple majority decision required.

## **Moved Cr Goetze, Seconded Cr Kelly**

That the OFFICER RECOMMENDATION, be APPROVED, as follows;

**“That Council:**

### **1. APPROVES:**

#### **1.1. Working Group**

**The formation of a Working Group to fully engage with the local community concerning the traffic and parking proposals in the Richardson Avenue local area;**

#### **1.2. Objective and Purpose:**

- a) Assess new design proposals and provide feedback and recommendations which can then be considered prior to the proposal proceeding to a detailed design stage.**
- b) To ensure that any future proposals made are as acceptable as possible to the affected community, whilst still achieving alleviation to the congestion around the schools.**
- c) Assess the surrounding area for alternate modifications that could be made to the road network and/or street layout, with an**

aim to alleviate congestion without major impact being made to the streetscape and character of the area.

- 1.3. The appointment of the following to the Working Group:
  - a) Councillor Cr Goetze (Chair);
  - b) Councillor Cr Kelly;
  - c) Three community Representatives from the local area;
  - d) Representative from Methodist Ladies' College P&C;
  - e) Representative from Christ Church Grammar School P&C;
  - f) Executive Manager Infrastructure;
  - g) Manager Engineering Services.
2. **AUTHORISES** the Chief Executive Officer to write to local residents and seek expressions of interest from interested community representatives for the Working Group;
3. **RECEIVES** a further report after the closing date of the calling of expressions of interest, to approve the Community Representatives; and
4. **ENGAGES** with the Methodist Ladies' College and Christ Church Grammar School to consider the feasibility of providing a shuttle service for students."

Debate ensued.

Cr Goetze spoke and nominated herself to the Working Group.

Cr Kelly spoke and nominated himself to the Working Group.

The Presiding Member called for other nominations – none were received.

Debate ensued.

**CARRIED(143/15)  
(NO DISSENT)**

*Cr Browne returned to the Chambers at 9:51 PM.*

*The Presiding Member informed Cr Browne that the item was carried.*



**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Cr Kelly and Cr Goetze attended the ICTC conference and will be preparing a report for Council.

Cr Wood attended the Nursing Awards at Bethesda Hospital.

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

NIL

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

NIL

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

NIL

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting 18 August 2015.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the Presiding Member – Mayor Jock Barker declared the meeting closed at 10:10pm, with the following present;

Mayor Jock Barker

Cr Karen Wood (West Ward)

Cr Peter Browne (West Ward)

Cr Peter Edwards (West Ward)

Cr Jill Goetze (South Ward)

Cr Paul Kelly (South Ward)

Cr Chris Mews (South Ward)

Cr Bruce Haynes (East Ward)(Deputy Mayor)

Cr Anita Lorenz (East Ward)

Mr John Giorgi, JP (Acting Chief Executive Officer)

Mr Hitesh Hans (Acting Executive Manager Corporate and Governance)

Mr David Vinicombe (Executive Manager Planning and Development)

Mr Saba Kirupanather (Executive Manager Infrastructure)

Ms Katie Bovell (Governance Officer)

Four members of the public

David Cohen – Post Newspaper

Caitlin Tiller – Western Suburbs Newspaper

The Minutes of the Ordinary Council Meeting held on 4 August 2015 were confirmed as a true and correct record.

Confirmed this ... .. day of ... .. 2015.

**Mayor Jock Barker**  
**PRESIDING MEMBER**