



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 4 February 2020**

**Date: Tuesday, 4 February 2020**

**Time: 7.00pm**

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

**Liz Ledger  
Chief Executive Officer**

**DISCLAIMER**

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

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**MINUTES OF TOWN OF CLAREMONT  
ORDINARY COUNCIL MEETING  
HELD AT THE TOWN OF CLAREMONT, CLAREMONT COUNCIL CHAMBERS, 308 STIRLING  
HIGHWAY, CLAREMONT  
ON TUESDAY, 4 FEBRUARY 2020 AT 7.00PM**

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

His worship the Mayor, welcomed members of the public, press, staff and Councillors and declared the meeting open at 7.01PM.

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

**PRESENT:**

Mayor Jock Barker  
Deputy Major Cr Jill Goetze  
Cr Peter Browne OAM, JP  
Cr Sara Franklyn  
Cr Peter Edwards  
Cr Bruce Haynes  
Cr Paul Kelly  
Cr Kate Main  
Cr Annette Suann  
Cr Peter Telford

**IN ATTENDANCE:**

Liz Ledger (Chief Executive Officer)  
David Vinicombe (Director Planning and Development)  
Bree Websdale (Director Governance and People)  
Andrew Smith (Director Infrastructure and Assets)  
Cary Green (Director Corporate and Compliance)  
Nicky Tyson (Manager Governance and Risk)  
Kerith Barbetti (Governance Officer)

19 members of the Public, 2 members of the Press

**APOLOGIES:**

Nil

**LEAVE OF ABSENCE:**

Nil

**3 DISCLOSURE OF INTERESTS**

Nil

## 4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

**File Number: GOV/00060-02, D-20-03680**

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**Dr James Latto, 70 Victoria Avenue, Claremont**  
**Re: Proposed Freshwater Bay Museum redevelopment**

Question 1:

Why have I not received a reply? (to email dated 10 December)

Answer 1:

Unfortunately, as the email was originally sent to the toc@claremont address it was not seen by the CEO immediately, resulting in a delay in response, as a result the reply provided was not forwarded until the 17<sup>th</sup> of December.

Question 3:

Where is the offence in requesting the accuracy of a response from a Council employee, when in fact the response was inaccurate?

Answer 3:

Offence was taken to this line of questioning as it was evident that the questions being posed was done so in a tone that was accusatory, the question made no reference to the images that were misleading in the email from DPLH, the fact that the areas on these images related to the prior size of the reserves, not the proposal by DPLH, and that unless alternate images were referenced, a reasonable person would assume that the images reflected the prior reserves, not the proposed boundaries.

It was the Mayors opinion that there was nothing to be gained at all from a series of questions that was seeking to attribute blame where no such blame should be apportioned.

Question 4:

Why did the Town of Claremont submit the three unsolicited options for much larger excisions from Mrs Herbert's Park?

Answer 4:

Whilst a reply to this question has been provided previously, it appears that there is an inference that Council officers acted outside of their authority in replying to the email of the DPLH. Whilst it is recognised that members of the community might not agree with the alternate proposals put forward by the officer in 2017 in response to the DPLH, the Council, or its officers are not duty bound to simply accept the opinion of an officer of DPLH simply because they express this as their opinion.

By the same measure the Town does not expect that officers of the DPLH are bound to support any of the opinions of the Town or its officers in making final recommendations on this subject.

It is much easier now 2 years later to relate the proposed reserve boundaries to the redevelopment of the Museum and conclude that the land sought by the Town in its email of 2017 was far in excess of that which was required to be transferred between the 2 reserves. However 2 years earlier, there was no detailed design for the project, no idea as to what land area was actually required to accommodate the redevelopment project and simple matters such as the car park were still proposed as doubling in size, when today, this is simply no longer accurate.

Clearly this opinion is also shared by the Council who have now resolved to seek a retraction of the boundary changes, as conclusions can at least now be made with relative confidence with respect to the extent of the Museum redevelopment project, and what previous elements of this design that might have once possibly impacted on the area required, but are no longer relevant to this consideration.

It is also worth considering that the request of the Town to vary the conditions of the management order in May 2017, included provision for the conditions to be varied to recreation, museum, cultural community centre, car park and café.

At that time, shortly after the community wide consultation period, the desire to seek a café within the development was still under consideration, and there was also a clear intent to include the car park within the 'museum' reserve.

Given that the concept designs were still showing a doubling of size of the car park at that time, it is surely reasonable to assume that the new reserve boundaries would reflect an area of land that included at least the car park.

**5 PUBLIC QUESTION TIME**

**Clive Donner, 53 Victoria Aveune, Claremont**

**RE: Proposed Freshwater Bay Museum Redevelopment**

1) What is the actual intended use of the facility proposed for Mrs Herbert's Park?

The facility whilst named as a Community Building in many of the architectural drawings for this Freshwater Bay Museum project is designed to provide for public programs including but not limited to, educational activities, open days, temporary exhibitions, history talks and other presentations. The facility is designed to be an extension of previously existing functions at the Museum and the educational programs run from this facility.

2) Why was there not a broader consultation from the council with residents as we did not receive any communication or correspondence from the Council?

Initial consultation was undertaken back in 2016 which included a survey of all residents. This was to gather valuable information to determine the current and future usage of a facility to replace the existing 'shed'.

This feedback helped to develop the original concept design, created by architects Hames Sharley. This design was not support by Council, and therefore not presented to the community for comment.

A second concept design was developed which was supported by Council for a number of reasons, and this concept was then provided to the immediate surrounding neighbours for their feedback. This concept has not been supported by a number of this group, and as a consequence the Town formed a Project Steering Group involving two representatives of the immediate surrounding neighbours. This group then worked on the concept design to remove concerns and produce an option that could be presented back to Council.

It is important to note that this project has been evolving over several years now, and that a final detailed design is yet to be shown to the broader community and to Council for approval.

3) I note that there is an intention to build approximately 150-200 square meters of additional space in the vicinity of the Museum. What will this cost, have you got the funding for this and what will be the impact and cost benefit for the rate payers compared with the costs of running the current museum facility?

Whilst the final form of the floor plan for the Community Building is not yet finalised, the previous design for the building comprised an area of

Exhibition and function space	69
Office	19
Toilet	6
Teaching and tea prep	24
	118

Estimated costs for the project were \$1.26million of which \$760,000 has already been secured from the Lotteries Commission of WA.

The additional \$500,000 is contributed from the municipal funding from the Town. The intent that the annual storage fees would no longer be required once the building was complete, which over the 20 year life of the asset would cover the Town's capital investment. It would also provide the

community a facility befitting of the location and the status of the area, in which the community could enjoy, and learn about local heritage.

4) Victoria Avenue is already congested with traffic from residents, cyclists, schools and the hospital and any additional community based projects particularly in this stretch of Claremont, would greatly increase traffic congestion and very likely reduce safety on Victoria Avenue for children, elderly people, dog walkers using Victoria Avenue and the parks. We have seen a number of traffic accidents over the years on this stretch of Victoria Avenue and in particular in the vicinity of Mrs Herbert's Park entrance. Increasing the footprint of the Museum and the commensurate parking congestion in this relatively small park, would likely exacerbate potential safety issues.

A risk analysis with respect to traffic generation may be undertaken as part of this project assessment. As the project is not designed to significantly change the function or type of activities at the venue, merely better present such facilities, displays, the collection and undertake educational programs, it is envisaged that proportional increases to traffic volumes on Victoria Avenue will be very low.

5) Depending on the intended use of the proposed project, has consideration been given by the Council to merely renovating the existing Museum facilities which would add value to the existing Museum and could be sufficient for their purposes? This is also likely to be the cheapest financial option. If more space is needed for the Museum would it not be easy to merely renovate the current shed in situ or merely rent additional space as is currently the case?

The proposal is not to accommodate storage of the collection, as is suggested, but to improve educational, display, and other public programs associated with the museum, many of which are not able to be accommodated at the current location. While the existing Shed could be used as a storage capacity, it was considered not a viable option to renovate.

The existing office building is also proposed to be refitted as part of this program to improve function, working space and storage space for sensitive items from the collection.

6) If a Museum hall is needed, would it not be better to build a more flexible community hall at the Town of Claremont Council offices in Bayview Terrace where there is significantly more established infrastructure, parking and park space to do so without compromising traffic congestion and the safety of residents by trying to do this at Mrs Herbert's Park?

Given that the new Community Building is proposed to function as part of the education programs already delivered at the Museum site, placing this building elsewhere a considerable distance from the museum would not achieve any of the desired outcomes.

7) Alternatively has the Council considered using other parks where there are community halls already established in the Claremont, Dalkeith, Swanbourne and Nedlands areas (e.g. the John Leckie Pavilion facilities at College Park, Drabble House Webster Street and Melvista Park in Nedlands, Revo Fitness Stadium and the Mount Claremont Community Centre in Claremont, the Dalkeith Hall Community Centre, the Creswall Park and Allen Park Pavilion in Swanbourne), Could these facilities be shared or rented if they are underutilised?

The intent of this project is to provide an appropriate facility to deliver museum and heritage programs, as the existing shed is dilapidated and not up to standard. The Town of Claremont has very limited facilities in which it can provide community based programs to its community, and other sites within the Town have been considered.

The museum and heritage community programs have been operating from Mrs Herbert's Park for many years, and this project was not about the development of a stand-alone community facility. As such seeking to build it elsewhere away from the museum, or using already existing community buildings in other districts will not achieve any of the desired outcomes.

**6 PUBLIC STATEMENT TIME**

**Mr Richard Smith, 7 Mofflin Avenue, Claremont**

**Re: Item 13.1.1 Lot 200 (11) Ashton Avenue, Claremont – 22 Multiple Dwellings**

Mr Smith spoke of concerns regarding the proposed development application.

**Cassie Barrow, Urbis and Jonathan Harris, Harris Jenkins Architects**

**Re: Item 13.1.1 Lot 200 (11) Ashton Avenue, Claremont – 22 Multiple Dwellings**

Ms Barrow and Mr Harris spoke in favour of the officer recommendation regarding the proposed development application.

**Mr Barry Jones, PO Box 879 Subiaco**

**Re: Item 13.1.2 39 Guger Street, Claremont – Stage 1 Upgrades to Claremont Railway Station**

Mr Jones spoke of concerns regarding the proposed development application.

**Mr Chris Lalor, Apartment 406, Block C Essence, 5 Shenton Road, Claremont**

**Re: Item 13.1.2 39 Guger Street, Claremont – Stage 1 Upgrades to Claremont Railway Station**

Mr Lalor spoke of concerns regarding the proposed development application.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**RESOLUTION 001/20**

**Moved: Cr Peter Browne OAM, JP**

**Seconded: Cr Paul Kelly**

**That the minutes of the Ordinary Meeting of Council held on 17 December 2019 be confirmed.**

**CARRIED**

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

Nil

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

Nil

**12 REPORTS OF COMMITTEES**

**12.1 FRESHWATER BAY MUSEUM ADVISORY COMMITTEE**

**12.1.1 MINUTES OF THE FRESHWATER BAY MUSEUM ADVISORY COMMITTEE MEETING HELD ON 18 DECEMBER 2019**

**File Number: GOV/00050-02, D-20-03741**

**Author: Andrew Smith, Director Infrastructure and Assets**

**Authoriser: Liz Ledger, Chief Executive Officer**

**Attachments: 1. Minutes of the Freshwater Bay Museum Advisory Committee Meeting held on 18 December 2019**

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**RESOLUTION 002/20**

**Moved: Cr Bruce Haynes**

**Seconded: Cr Kate Main**

- 1. That the Minutes of the Freshwater Bay Museum Advisory Committee Meeting held on 18 December 2019 be received and the recommendations therein be adopted.**

**CARRIED**

## 13 REPORTS OF THE CEO

### 13.1 LIVEABILITY

#### 13.1.1 LOT 200 (11) ASHTON AVENUE, CLAREMONT - 22 MULTIPLE DWELLINGS

**File Number:** 01PEA/19/5386, D-19-44499

**Attachments:**

1. Location and Submission Map
2. Photograph
3. Applicant Report
4. Supporting Documentation
5. Table of Submissions
6. Plans - Confidential
7. Submissions - Confidential

**Author:** Nick Bakker, Senior Planner  
Lisa Previti, Manager Planning and Building  
David Vinicombe, Director Planning and Development

**Authoriser:** Liz Ledger, Chief Executive Officer

**Proposed Meeting Date:** 4 February 2020

**Date Prepared:** 22 January 2020

**DA No.:** DA2019.00155

**60/90 Days Due Date:** 2 March 2020

**Property Owner:** Department of Communities (Housing Authority)

**Applicant:** Urbis

**Lot No.:** 200

**Area of Lot:** 2,326m<sup>2</sup>

**Zoning:** Residential (R25)

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**Enabling Legislation:** *Planning and Development Act 2005 (PD Act)*  
*Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*  
*Public Works Act 1992*  
*Metropolitan Region Scheme (MRS)*  
Local Planning Scheme No. 3 (LPS3)  
Residential Design Codes (RDC)  
*State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments (RDC Vol. 2 Apartments)*  
*Loch Street Station Precinct Structure Plan (June 2017) (LSSPSP)*

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## SUMMARY

- Application for Development Approval received for 22 Multiple Dwellings (five single bedroom apartments, 11 two bedroom apartments and 6 three bedroom apartments) at 11 Ashton Avenue (cnr Mofflin Avenue), Claremont.

- The site is owned by the Department of Communities (DoC). As such, the application is required to be determined by the Western Australian Planning Commission (WAPC) as the proposed development is being undertaken by a public authority.
- The development has been assessed against the new State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments (RDC Vol. 2 Apartments) which replaces the Residential Design Codes part 6 requirements for Multiple Dwelling developments.
- The proposal has also been assessed against the Loch Street Station Precinct Structure Plan (LSSPSP) which provides the local planning framework for development within this locality until such time as the Scheme is amended to incorporate the LSSPSP with the WAPC recommended modifications.
- 54 residents and surrounding land owners were consulted and 21 submissions were received.
- Submissions raised a number of concerns including density, height, privacy, demographics, parking, traffic and property values.
- It is noted that the proposal is not consistent with the Council's adopted LSSPSP. However as structure plans are approved by the WAPC and given the proposed development is consistent with the WAPC approved LSSPSP, the approved structure plan accordingly forms the approved planning framework for the locality.
- Council in making recommendation to the WAPC on the proposal must respect the approved planning framework. Accordingly it is recommended the WAPC be advised Council supports the development subject to appropriate conditions.

## **PURPOSE**

The application proposes a three storey, 22 multiple dwelling development (five single bedroom apartments, 11 two bedroom apartments and 6 three bedroom apartments) at 11 Ashton Avenue, Claremont. The site is owned by the Department of Communities (DoC) (former Housing Authority).

The proposed development is not required to obtain Development Approval under Local Planning Scheme No. 3 (LPS3), but is required to be determined by the Western Australian Planning Commission (WAPC) pursuant to the Metropolitan Region Scheme (MRS). Council is required to make its recommendation to the WAPC within 42 days of receipt of the application (by 14 January 2020), however due to the application being lodged in close proximity to the Christmas period, the time period has been extended to allow for Council to consider its recommendation to the WAPC at this meeting.

## **BACKGROUND**

A previous application for Development Approval was submitted to the Town on 10 August 2016 for a three storey development consisting of 25 multiple dwellings. As the proposal was a public work it was exempt from requiring a local approval under LPS3, however an approval was required under the MRS by the WAPC. The Town advertised the development and 53 submissions were received, with concerns raised regarding height, density, parking and traffic impacts. Following consideration at its meeting held on 18 October 2016 the Town recommended to the WAPC that the proposal be refused.

The application was considered by WAPC in conjunction with the Loch Street Station Precinct Structure Plan (LSSPSP), and the development was subsequently approved subject to conditions on 14 August 2018. Modifications to the LSSPSP were recommended by the WAPC which would ultimately result in the development being consistent with the local planning framework.

This subsequent application submitted to the Town on 3 December 2019 proposes 22 multiple dwellings in lieu of the previously approved 25. The current proposal has been reviewed by the State Design Review Panel without involvement of the Town. Minutes of the SDRP meeting are enclosed in the application.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
3 December 2019	Application for Development Approval received by Council.
4 December 2019	Application undergoes internal DCU assessment.
17 December 2019	Advertising commenced.
15 January 2019	Advertising closed.
22 January 2019	Report prepared for Council.

### Loch Street Station Precinct Structure Plan

The LSSPSP was adopted by Council in June 2017. The WAPC considered Council's adopted SP on 28 May 2019 and requested modifications to increase the density and height of development through the Precinct.

The Town received correspondence from the WAPC on 10 June 2019, requesting modifications to increase the density and height of development through the Precinct. The main modification relevant to the subject site was to increase the density proposed in the LSSPSP from R40 to R60. Although the Town is yet to action this request to amend the LSSPSP documents, the requested WAPC revisions represent the local planning framework for assessment of development in the precinct at this point. Although the site is currently zoned R25 under LPS3, the proposal has been designed and assessed in line with the LSSPSP R60 density as per the WAPC's requirements.

### Residential Design Codes

Under LPS3 the land has a density coding of R25 which falls under the control of the Residential Design Codes Vol. 1 (RDC Vol. 1). Given the development is exempt from LPS3 approval and is considered a public work which does not have to comply with LPS3 requirements, the apartments are to be assessed consistent with the local planning framework established under the LSSPSP. The WAPC supported LSSPSP promotes three storey R60 apartment development for the site and accordingly the development is also to be assessed in accordance with the provisions of the Residential Design Codes Volume 2 - Apartments (RDC Vol.2 Apartments).

The new RDC Vol. 2 Apartments requirements were gazetted on 24 May 2019 and supersede Part 6 of the RDC. This proposal has been assessed against the requirements of both the RDC Vol. 1 and the new RDC Vol. 2 Apartments.

The RDC Vol. 2 Apartments provides improved guidance for the development of apartment buildings and focuses on design outcomes that are responsive and appropriate to the context and character of the site and locality. This is a performance based assessment approach and applicants are required to demonstrate that the design achieves the overall objectives of the RDC Vol. 2 Apartments in addition to the applicable Element Objectives (EO) and Acceptable Outcomes (AO) of each Design Element. It is important to note there are no longer deemed-to-comply provisions applicable to apartment assessment, as the proposal must first achieve the Element Objectives with the Acceptable Outcomes being a possible pathway to achieving the Element Objectives. If the Acceptable Outcomes is achieved, a proposal which does not achieve the Element Objectives should not be supported.

As a performance design based document, the RDC Vol. 2 Apartments promotes an initial design review and approval process which takes a development proposal through a number of stages commencing with concept design analysis, progressing through a design phase where applicants respond to feedback and analysis before lodgement of the Development Application to ensure that the proposals appropriately address the local planning framework and applicable design requirements.

It is noted that the basic design of this development was initially presented to the Town in an advanced form following the adoption of the RDC Vol. 2 Apartments, and was subject to a design review process through the State Design Review Panel. Through the design review process various changes to the original design presented to the Town were recommended to the applicant. Following

the design review process and recommended amendments being made to the plans the applicant formally submitted the application to the Town for comment.

It is important to note that Council's endorsed LSSPSP identifies the future density coding and height requirements of R40 and two storeys. The WAPC determined that the SP should be modified to increase densities and height on 28 May 2019 and with specific reference to this site, required the SP to be modified to R60 a with a three storey height limitation.

Where developments propose additional development potential or flexibility such as increased plot ratio and or building height, part 2.8 of the RDC Vol. 2 Apartments indicates that community benefits should be considered as a measure to balance out the development incentives.

The community benefits may include provision of affordable housing, dwelling diversity, delivery of exceptional heritage outcomes with regard to conserving and/or enhancing a heritage listed building, retention of significant mature vegetation, provision of public facilities such as public open space, public car parking, public pedestrian access ways and linkages, cultural facilities, public toilets, change rooms, end-of-trip facilities, meeting places child care facilities etc.

While the RDC Vol. 2 Apartments indicates that the cost and value of the community benefit can be objectively measured, Local Government will need to give careful consideration to setting of an appropriate range and value for this discretion to apply and determine whether the incentive is broadly commensurate with the additional development entitlement.

It is noted that although this report will detail a number of variances proposed by the development which will deliver an improved development outcome, it is arguable that the project delivers community benefits in term of providing affordable and diverse housing options to the local community to accordingly justify the approval of the development.

## **PAST RESOLUTIONS**

At its meeting held on 18 October 2016 Council resolved to advise the WAPC that the Town does not support the application for 25 Multiple Dwellings and recommended that the application be refused. Resolution No. 163/16.

## **Statutory Considerations**

### WAPC determination

Under the *Planning and Development Act 2005*, the DoC as a public authority is exempt from seeking development approval for a 'public work' from the Town of Claremont under LPS3. Approval is only required by the WAPC consistent with the local planning framework, established under the WAPC supported LSSPSP. The DoC is however required to work with the Local Authority, and it is expected that development would be consistent with the relevant local planning framework.

## **Heritage**

The property is not included on the Town's Heritage List.

## **COMMUNICATION/CONSULTATION**

The application was advertised in accordance with Council Policy LG525.

54 surrounding residents, landowners and those who made previous submissions were consulted - 21 objections were received. A summary of the submissions is provided in Attachment 5 and full copies are also included in Confidential Attachment 7.

In summary, the main issues raised in the submissions are provided as follows:

### Density and Height

- Concerns were raised that the proposed development significantly exceeds the current density of R25 and height restrictions provided for under LPS3 and this is out of character in the area.

It is noted the original single house properties east of Ashton Avenue have been progressively subdivided into two and redeveloped in recent years. The first wave of development typically consisted of single storey house behind a house in a battle-axe style subdivision. However, development has been more recently evolved into long modern two-storey dwellings with pitched roof, each facing the street. The development has evolved to present a modern attractive streetscape with a high intrinsic value.

The proposal is within the parameters for R60 development which has been supported for the site by the WAPC under the LSSPSP.

Increases in density to achieve the recommendation for the area contained in the Town's Housing Capacity Study are inappropriate through the whole area as the current development trend is achieving a desirable development outcome. As a result the LSSPSP proposal to contain more intensive development opportunity along a 'mini- activity corridor' focused on Ashton Avenue and broadening out to the south addresses the Housing Capacity Study recommendation and maintains/improves services within the area generally.

Mofflin Avenue also provides a direct link between Ashton Avenue and the Loch Street station and is within 250m of the station. The proposal is included within a Metronet project precinct for urban infill development.

In addition, the proposed development may be considered a stimulus for future redevelopment of the locality inclusive of the 'mini-activity corridor' which could act as a catalyst for regeneration of the local shops and improve facilities and amenities of the area overall.

The three storey height with flat roof proposed is similar in bulk to two storey pitched roof development which is now beginning to prevail in the locality. It is considered the design of the development is an improvement from the original design presented for this development in late 2019 with the use of varied materials and colours, and is unlikely to have an adverse impact on the streetscape.

While private developers are unable to develop at this height and density until LPS3 has been amended to reflect the WAPC's endorsed LSSPSP, the rules which apply to a public work for the DoC of this nature do not require compliance with LPS requirements – only compliance with the local planning framework, established under the WAPC supported LSSPSP. The development is consistent with the WAPC supported LSSPSP.

#### Privacy

- Concerns were raised that the three storey development will create privacy issues with the adjacent properties.

Privacy from all balconies and windows comply with, and generally significantly exceed the RDC Vol. 2 Apartments requirements. In the case of the front balconies facing Mofflin Avenue the properties across the road are separated by the street and street trees within the verge thus significantly exceeding the privacy setback requirements.

#### Occupancy of Dwellings

- Some concern is raised over the occupancy of the dwellings and in some instances the comments raise compatibility concerns.

The DoC has advised Council that 90% the units will be open for purchase by the private market, with two dwellings (10%) being retained for social housing. This area of Claremont has historically provided for social housing. The DoC has sold off most of their assets in Claremont, with currently only 22 dwellings remaining within the Town, and the proposed two apartments for low income households is a reduction to the numbers previously located in the area.

The mix of housing is proposed to address public concerns the DoC often faces over social housing projects as well as providing an appropriate mix of housing options for the broader community.

The potential for the development to accommodate social housing is not a planning consideration. It is contrary to principles of equity and potentially introduces irrelevant discrimination considerations to the decision making process.

### Parking and Traffic

- Concern is raised over the lack of parking proposed and resultant impact on the streetscape.

This matter is addressed by the applicant in the traffic impact report attached. There are 28 car parking bays (a surplus of seven), 24 bicycle parking bays (surplus of ten) and three motorcycle bays (surplus of one), which are likely to adequately cater for the development given its proximity to the Loch Street Station. However it is considered the lack of allocated visitor parking on site is inappropriate, and it is recommended that any approval for the site include a condition that four of the surplus bays on site be allocated for visitor parking.

- Concerns are raised regarding increased traffic congestion in the area, specifically along Ashton Avenue and Mofflin Avenue as a direct result of the development.

Current traffic counts for Ashton Avenue indicate that existing traffic volumes are between 7000 and 10,000 vehicles per day, which is within the design specification for a District Distributor A road. This development will not result in the local road network's design specifications being exceeded. Council's Engineering Services have raised no concerns regarding the additional traffic which will be generated by the proposed development. A Traffic Impact Statement has been submitted which confirms that the traffic entering and exiting the proposed development will not significantly increase traffic beyond the capacity of the local road network. However it is noted that future redevelopment of the area may require road network upgrades as detailed in the LSSPSP.

The Transport Oriented Design concept aims to provide residential accommodation concentrated on activity corridors and around train stations to encourage commuters to use public transport in peak periods and reduce car dependency.

### Property Values

- A number of comments indicate concern over the excessive built form of the development and raise concerns that the development will impact on property values in the locality.

While concerns over property value are noted, it has long been established that property valuation is not a valid planning consideration. It is noted however, that in some instances the Loch Street Station study identified a number of other properties as having a similar opportunity for development.

It is noted that the proposed built form is not excessive in the context of the WAPC endorsed LSSPSP, or to a degree as a flat roofed development achieving a similar built height as a pitched roof design for a two storey development as endorsed by Council.

## **DISCUSSION**

### Description

The application proposes a three storey, 22 multiple dwelling development (five single bedroom units, 11 two bedroom units and 6 three bedroom units) at 11 Ashton Avenue, Claremont. The site is owned by the Department of Communities (DoC). DoC has advised Council that the development will cater for a mixture of social housing (10%) with the remainder for sale on the private market (90%).

The site is currently zoned Residential with an R25 coding under LPS3 however the DoC is exempt from applying for development approval under LPS3 and therefore unconstrained by the current R25 density and other LPS3 requirements. Although the application is exempt from Council's requirements and Council approval, it still requires determination by the WAPC; assessed against regional planning objectives, with due regard for the local planning framework including LPS3 requirements and amenity impacts.

### Regional Planning Objectives

The Perth and Peel at 3.5 Million is the State government's most recent strategic planning document which builds upon the vision and objectives of *Directions 2031 and Beyond* to provide a planning framework for population growth. These documents aim to accommodate a high level of future residential housing growth within the existing urban area through infill housing and urban consolidation within Activity Centres, Station Precincts and along Activity Corridors. *Perth and Peel at 3.5 Million* identifies an area with a 400m radius of the Loch Street railway station as a Station Precinct with potential to accommodate additional residential development. Perth and Peel at 3.5 Million also indicates that Activity corridors should have a minimum density of R60. It is noted that as Ashton Avenue is not serviced with a bus route, it is not classified as an Activity Corridor, despite being referred to as a 'mini-activity corridor' in the draft LSSPSP, therefore the R60 requirement does not automatically apply. *The Draft Central Sub-Regional Planning Framework* sets a 1,300 dwelling growth target for the Town. WAPC *Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development (TOD)* recommends a minimum residential density of R25 in station precincts.

### Local Planning Objectives

In response to *Directions 2031 and Beyond*, Council prepared and eventually adopted its *Housing Capacity Study* for the Town in 2013. This study made a number of recommendations on how to accommodate the State's growth targets for the Town. Recommendations included a proposal for the Town to undertake a study into the potential to rezoning of land within 400m of the Loch Street Station with a potential R40 coding.

The draft LSSPSP proposed that the site be contained in a 'mini – activity corridor' along Ashton Avenue which broadens out in width in close proximity to the railway line. The mini-activity corridor contained a range of proposed densities, with R40 being endorsed by Council for the site.

While the Town's residential growth targets are more than accommodated by proposals contained in the LSSPSP (and other urban infill projects), the planning imperative with regard to the Loch Street Station Precinct is to assist this growth, while at the same time providing opportunity for urban renewal and improvement of facilities in the Precinct to improve overall living standards for existing and future residents.

Following public consultation the LSSPSP was adopted by Council in June 2017. The WAPC considered Council's adopted Structure Plan on 28 May 2019 and as mentioned above requested modifications to increase the density (R60) and height of development (three stories) through the Precinct. The Town received the WAPC's request for modifications on 10 June 2019 and as of now has not yet actioned this request due to other more pressing priorities. However at this juncture the WAPC endorsed LSSPSP represents the current local planning framework for the site, and the proposal has been assessed under the appropriate future requirements as would apply once the Scheme amendments are undertaken to reflect the LSSPSP requirements.

### Compliance

#### Loch Street Station Precinct Structure Plan

The Structure Plan has been endorsed by the Town and has been approved by the WAPC subject to conditions which includes a re-coding of the site from Residential R25 to Residential R60 and increasing the building height from two to three storeys.

The table below outlines the applicable development controls and provides an assessment of the proposal against requirements of the LSSPSP. For the purposes of this assessment, it is assumed that a three storey height limit will apply to the site to facilitate the R60 coding that has been adopted by the WAPC under the LSSPSP.

Control		Assessment
<b>Max. height</b>	Three storeys fronting Ashton Avenue and Mofflin Avenue.	The proposed building is three storeys fronting Ashton and Mofflin Avenue.
<b>Ashton Avenue setback</b>	6m setback from the street alignment and 8m from the centre of power lines.	The proposed building has been set back 6.7m from the Ashton Avenue street alignment and achieves the minimum 8m setback from the centre of power lines.
<b>Acoustic</b>	A detailed acoustic assessment may be required as a condition of Development Approval demonstrating mitigation measures, construction standards and implementation strategies.	<p>The applicant has not provided any acoustic assessments for the units as they are in a residential area. However, this development is in close proximity to the Loch Street Station and associated rail noise, and the RAS Showground with noise associated with events.</p> <p>The applicant was requested to provide an acoustic report and show how acoustic amenity considerations have been considered for the development. The applicant advised they will not be providing an acoustic report at this stage and requested this aspect be conditioned.</p>

Local Planning Scheme No. 3

For residential zoned land cl.40 of LPS3 specifies a wall height of 6.6m to the underside of an eave or top of parapet. This is usually only able to be varied in ‘special circumstances’ however in this instance the proposed development is not fettered by the Scheme provisions due to its implementation by a public authority and the height is consistent with the WAPC endorsed LSSPSP which is the current planning framework applicable to the site.

Residential Design Codes Vol. 1

An assessment of the key development controls applicable to the current R25 density code is presented in Table 2.1 below. The table presents a breakdown of the different requirements over the R25 (LPS3 requirements), R40 (Council’s endorsed LSSPSP requirements) and R60 (WAPC endorsed LSSPSP requirements) density codes. The following non-compliances have been noted for comparison only and have not been discussed in detail under the Design Principles of the RDC as the current R25 density code is to be up-coded to R60 to reflect the WAPC endorsed LSSPSP.

- Proposed maximum building height of 9.5m in lieu of the 9m required under Clause 5.1.6 of the RDC Vol. 1.
- Walls proposed up to two side boundaries in lieu of one side boundary required under Clause 5.1.3 of the RDC Vol. 1.

As discussed above, due to the LSSPSP local planning framework and the public works nature of this application, the non-compliance with these RDC Vol. 1 requirements are superseded by the assessment under the RDC Vol. 2 – Apartments requirements below.

Residential Design Codes Vol. 2 - Apartments

Under the RDC Vol. 2 Apartments the development must be assessed under both the ‘Acceptable Outcomes’ (AO) and the relevant ‘Element Objectives’ (EO) requirements. Even if an AO is met, the development must also fulfil the broader EO. There is an expanded number of elements that need to be considered as an overlapping matrix and they can conflict with one another, meaning that few if any developments will achieve full compliance with all AOs, noting that EO compliance is considered mandatory. Instead, designs need to be assessed relative to their site and location so as to take advantage of positive site attributes while minimising negative attributes.

Where an EO is satisfied, the AO does not need to be met and accordingly the following discussion only deals with EO non-compliances. It is noted the development is mostly in compliance relative to the LSSPSP local planning framework at R60, and EO non-compliances are generally due to r the conflicting nature of the applicable density codes (R25/R40/R60) or can be achieved through appropriate conditions.

2.1 Primary Controls - Density of Development

PRIMARY CONTROLS ASSESSMENT TABLE 2.1		
CONTROL	PROPOSED (R60)	COMPLIANCE
<b>Building Height</b>		
<b>R25:</b> 6.6m wall height (as per LPS3) 9m maximum roof pitch height (as per RDC Vol.1)	3 storeys (9.5m)	No LPS3 requires 6.6m building height
<b>R40:</b> 2 Storeys (9m)		No
<b>R60:</b> 3 storeys (12m)		Yes
<b>Boundary Wall Height</b>		
<b>R25: 3.5m</b>	1 Storey (Carports)	Yes
<b>R40:</b> 1 Storey		Yes
<b>R60:</b> 1 Storey		Yes
<b>Primary &amp; Secondary Street Setback</b>		
<b>R25:</b> Primary – 6m (ave) Secondary – 1.5m	Primary – 6.7m Secondary – 2m	Yes
<b>R40:</b> Primary – 4m Secondary – 1.5m		Yes
<b>R60:</b> Primary – 2m Secondary – 2m		Yes
<b>Minimum Side Setbacks</b>		
<b>R25:</b> Nil-1m as per Table 2 of the RDC Vol.1	GF = Nil to Bin Store and Carport  FF & SF = 3.3m (E) 3m (N)	No - Two Side boundaries. No – two thirds of the length of the boundary in lieu of one third.
<b>R40:</b> Nil - 2m as per Table 2.1 RDC Vol.2 as per Table 2.1 RDC Vol.		No - Two Side boundaries
<b>R60:</b> Nil - 3m		No - Two Side boundaries
<b>Minimum Rear Setback</b>		
<b>R25:</b> Nil-1m as per Table 2 of the RDC Vol.1	N/A	N/A
<b>R40:</b> 3m		N/A
<b>R60:</b> 3m		N/A
<b>Plot Ratio</b>		
<b>R25:</b> N/A based on open space	0.79	N/A
<b>R40:</b> 0.7		No
<b>R60:</b> 0.8		Yes

The existing R25 under LPS3 through RDC Vol.1 applies to the area, however given DoC is not bound by the LPS3 density coding requirements, the development may be assessed relative to the RDC. Vol. 2 Apartments requirements relating to a Structure Plan. The Council endorsed LSSPSP provides for R40 development, although the WAPC has endorsed the LSSPSP to provide for R60 development. The proposed development has been designed to accord with R60 development standards endorsed by the WAPC (approval authority for Structure Plans).

While the proposal does not satisfy the Town’s preferred R40 development requirements recommended for the LSSPSP as noted below, it does satisfy the WAPC endorsed R60 standards.

## 2.2 Building Height

AO 2.2.1 - Developments are required to comply with the height limits specified in Table 2.1 – Primary Controls Table except where these are varied by the local planning framework.

The existing R25 coding provides for 7m height (two storeys) under Table 3 of the Residential Design Codes Vol. 1 (RDC Vol.1) unless a Structure Plan provides for an alternative. The Council endorsed LSSPSP provides for a two storey height restriction, although the WAPC has requested the SP be modified to provide for three storeys. The Council and WAPC endorsed heights are controlled by the RDC Vol. 2 Apartments requirements which are the same. The proposed height is three storeys.

The EO for Building Height under the RDC Vol. 2 Apartments which is arguably not satisfied is EO 2.2.1, which states as follows:

*EO 2.2.1: The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*

From the Town's perspective, the proposal does not meet EO 2.2.1 as the proposed height of three storeys exceeds the desired future scale of development as set out in the LSSPSP by one storey. Notwithstanding the three storey height is consistent with the WAPC endorsed three storey height limit.

## 2.4 Side and Rear Setbacks

AO 2.4.1 - Development complies with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework or a greater setback is required for privacy.

AO 2.4.2 - Development setback to achieve the EOs associated with Building separation, Tree canopy and deep soil areas, Visual privacy and Solar and daylight access.

At the R25 and R40 densities a nil setback is only considered deemed to comply where it is up to one side boundary, and either one third of the length of the boundary (R25) or two thirds the length of the boundary (R40). In this instance the proposal includes nil setbacks on two sides, and as the adjoining property to the north is coded R25 under the endorsed LSSPSP the length of wall on the northern boundary is to be assessed at the lower coding. In this instance the length of the nil setback is two thirds the length of the boundary in lieu of one third.

On sites with an R60 density code Table 2.1 allows for 3m side setbacks and nil setbacks to one boundary not exceeding two thirds the length of the boundary (or the lower code on the adjoining property if applicable, in this instance R25 to the north being one third the length of the boundary) and with a height of two storeys. The proposed side setbacks exceed the required 3m other than portions of the north and east side boundaries where the carports and bin storage area have nil setbacks. Nil setbacks to the north are two thirds the length of the boundary in lieu of one third, and nil setbacks to the east are three quarters the length of the boundary in lieu of two thirds.

The EOs for Side and Rear Setbacks under the RDC Vol. 2 Apartments which could be arguably not satisfied are EO 2.4. and EO 2.4.4, which state as follows:

*EO 2.4.1 Building boundary setbacks provide for adequate separation between neighbouring properties.*

*EO 2.4.4 The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The nil setbacks are to open carport structures and a bin store. The nil setbacks are compliant with overshadowing requirements and will not impact on light and ventilation on adjoining properties. The walls are considered to meet the EO provisions as they are likely to have limited impact on adjoining landowners and the streetscape, and is thus supported by the Town.

## 2.5 Plot Ratio

AO 2.5.1 - Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework

RDC Vol. 2 Apartments Table 2.1 specifies a residential plot ratio of 0.7 for the Council endorsed R40 density and 0.8 for the R60 density code endorsed by the WAPC. The proposed development has a plot ratio of 0.79 which exceeds the requirement for R40 by approximately 12.9% however is under the permitted density of 0.8 for the modified R60 code.

The EO for Plot Ratio which is arguably not satisfied is EO 2.5.1, which states as follows:

*EO 2.5.1: The overall bulk and scale of development is appropriate for the existing planned character of the area.*

From the Town's perspective, the proposal does not meet EO 2.5.1 as the proposed plot ratio of 0.79 exceeds the desired future scale of development as set out in the LSSPSP. Notwithstanding the 0.79 plot ratio is consistent with the WAPC requested plot ratio of 0.8 as per the R60 density, and is therefore supported.

There are a number of EOs and subsequent AOs which can be met through the implementation of appropriate conditions as follows:

### 3.9 Car and Bicycle Parking

AO 3.9.2 - Parking is provided in accordance with Table 3.9.

AO 3.9.7 - Requires visitor parking to be clearly visible from the driveway, is signed and is accessible from the primary entry or entries.

Table 3.9 requires four visitor bays. The proposal does not show any on site visitor parking bays, instead the plans indicate that the four visitor bays required under RDC Vol.2 Apartments will be located within the verge along Mofflin Avenue which is not supported by the Town's Planning, Engineering or Ranger Services. Street parking is a significant issue within this area associated with activities conducted at the Royal Agricultural Society (RAS) Showgrounds, and any bays located along Mofflin Avenue should be available to the general public including people visiting the Local Centre on Ashton Avenue.

The EO for Car Parking under the RDC Vol. 2 Apartments which is not satisfied is EO 3.9.2, which states as follows:

*EO 3.9.2: Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*

The development does not provide onsite parking accessible to visitors, which is considered inappropriate given the street parking issues in the locality. Given 28 bays are proposed, which is a surplus of 7 above the required 21 bays for residents, there is ample space to provide four visitor parking on site thus freeing up the verge from the construction of parking embayments and allowing for the continued use of the road carriageway for informal street parking to service the needs of the locality. A condition can be included on any approval to provide the four visitor bays on site. It is recommended the access gates be moved back to be allow public access to the four bays located to the north of the bin storage area.

It is noted that on-site parking and the location of the security gate may impact on waste collection (see discussion below).

### 4.7 Managing the Impact of Noise.

AO 4.7.3 - Major openings oriented away or shielded from external noise sources.

The proposal has balconies fronting the street directly towards the RAS Showgrounds.

*EO 4.7.1 The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.*

Construction materials can be utilised to reduce the impact on noise on the residents from the adjacent Showgrounds. A condition can be included on any approval requiring the submission of an acoustic report and the implementation of its recommendations.

#### 4.12 Landscape Design

AO 4.12.1 - Landscape plan to include an irrigation plan and demonstrate Waterwise design principles.

The landscaping plan submitted does not include irrigation details, and therefore cannot demonstrate Waterwise design principles.

The EO for Landscaping Design under the RDC Vol. 2 Apartments which is not satisfied is EO 4.12.3, which states as follows:

*EO 4.12.3 Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.*

As noted above, the landscaping plan provided does not include irrigation details, this can be included as a condition on any approval, and will address the relevant EO.

#### 4.15 Energy Efficiency

AO 4.15.1 - Incorporation of significant energy efficiency initiative, or dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.

Solar panels are proposed however this is considered to be standard practice rather than a significant initiative.

The EO for Energy Efficiency under the RDC Vol. 2 Apartments which is not satisfied is EO 4.15.1, which states as follows:

*EO 4.15.1 Reduce energy consumption and greenhouse gas emissions from the development.*

Solar panels are proposed but alone are not considered adequate to reduce energy consumption as part of a new construction. Including installation of solar panels in combination with exceeding the NATHERS requirement would result in fulfilment of the EO. This can be included as a condition on any approval.

#### 4.16 Water Management

AO 4.16.1 – Dwellings have individual water meters.

An area for water meters has been shown on the plans however details of individual metering has not been provided.

The EO for Water Management under the RDC Vol. 2 Apartments which is not satisfied is EO 4.16.1, which states as follows:

*EO 4.16.1 Minimise potable water consumption throughout the development.*

In order to achieve this there are several options including plumbing fixtures and appliances to minimise water consumption and individual water meters. The applicant has advised individual water meters will be installed, to address the AO and therefore the EO, and this can be included as a condition on any approval.

#### 4.17 Waste Management

AO 4.17.2 – Waste Management Plan to be provided.

A bin store area has been proposed on site, however there is insufficient space on the verge to hold bins for 22 dwellings in the 5.5m bin presentation pad shown on the plans. Details of waste management, such as likely generation of waste, recycling, pick up, size of bins, bin sharing and responsibility has not been provided.

The EO for Waste Management under the RDC Vol. 2 Apartments which is not satisfied is EO 4.17.1, which states as follows:

*EO 4.17.1 Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

Without a waste management plan being provided the use of the bin store and verge collection area cannot be demonstrated as being adequate for the development. A condition can be recommended on any approval that a waste management plan be submitted. Any modifications resulting from the management plan may require additional conditions such as provision of a deed of indemnity and Easement registered on the Certificate of Title to allow for on-site waste collection. A minimum clearance of 3.2m height would be required for truck pick up internally, which will require the first floor of the development above the accessway (Unit 14) to be elevated or the associated driveway excavated to achieve the necessary clearance heights for waste collection.

#### Recommendation to WAPC

It is noted that the design of the proposed development is considered vastly improved from original proposals presented to the Town in 2016 and has been reviewed by the State Design Review Panel. Compared to the approved development for the site in 2018, the number of dwellings has been reduced, and the proposal has been significantly improved to be generally compliant with RDC Vol.2 Apartment design requirements for R60 development which has been endorsed as the current local planning framework for the site by the WAPC under the LSSPSP.

It noted that the development does not meet the Town's strategic preferred direction for the locality as the proposal exceeds the Town's endorsed density coding of R40 and maximum height of two stories identified under the Council endorsed LSSPSP. However given the local planning framework in the LSSPSP has been endorsed by the WAPC with a density code of R60 and at three storeys, the Town is obligated to support the development due to its consistency with the LSSPSP and RDC Vol.2 Apartment requirements. Approval is therefore recommended subject to relevant conditions.

#### **FINANCIAL AND STAFF IMPLICATIONS**

While there are no direct financial implications, the assessment of this application and analysis of feedback has required several weeks of staff time.

#### **POLICY AND STATUTORY IMPLICATIONS**

Nil

#### **STRATEGIC COMMUNITY PLAN**

##### **Liveability**

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

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

#### **URGENCY**

Council is required to make its recommendation to the WAPC within 42 days of receipt of the application (by 14 January 2019), however the time period has been extended to allow for Council to consider its recommendation to the WAPC at this meeting.

#### **CONCLUSION**

Based on the above, it is recommended that the WAPC approve the application subject to the conditions set out in the Officer's recommendation.

#### **VOTING REQUIREMENTS**

Simple majority decision of Council required.

**Moved: Cr Kate Main**  
**Seconded: Cr Jill Goetze**

#### **OFFICER RECOMMENDATION**

**That Council:**

**Advise the Western Australian Planning Commission that the proposed development does not meet current Local Planning Scheme No.3, Residential Design Code requirements Vol. 1, or the Loch Street Station Precinct Structure Plan endorsed by Council. However the Council does recognise the proposed development meets the Western Australian Planning Commission's endorsed local planning framework within the Local Street Station Precinct Structure Plan and recommends that the Western Australian Planning Commission grant a Development Approval for a proposed 22 three storey multiple dwellings at Lot 200 (11) Ashton Avenue, Claremont subject to the following conditions:**

- 1. In all other respects, development is to occur in accordance with the drawings submitted with the application for Planning Approval (Development Application 2019/000155), as amended by these conditions.**
- 2. Prior to the issue of a Building Permit final details of the proposed materials colours and finishes of the proposed development compliant with the requirements of Clauses 76 and 77 of Town Planning Scheme No, 3 to be submitted and approved by the Town of Claremont.**
- 3. Internal levels are to be designed to prevent stormwater entering the lot from any adjacent road reserve. If not practicable due to the proposed design levels, the responsibility is on the developer to provide internal drainage to capture stormwater entering the lot.**
- 4. Stormwater is to be retained on site and discharged into soak wells, or by an alternate approved method, within the property.**
- 5. Prior to the issue of a Building Permit, a Site, Construction and Traffic Management Plan is to be submitted to the Town of Claremont for approval. The information submitted with the Management Plan is to include plans showing intended access points, material and storage locations, tradespersons parking and delivery vehicle paths. Please liaise directly with the Town of Claremont in regards to the requirements.**
- 6. Prior to the issue of a Building Permit, the applicant is to submit detailed verge upgrade plans for approval by the Town's Engineering Department. The verge plans are to be to the satisfaction of the Town's Engineering Department and all costs associated with fulfilling this condition are to be borne by the applicant and finished to the satisfaction of the Town of Claremont.**
- 7. All rubbish bins, clothes-drying areas and air-conditioning units are to be screened from the view from any public street.**
- 8. An Acoustic Report is to be prepared to address requirements of the Residential Design Codes Vol. 2 - Apartments Part 4.7 – Managing the Impact of Noise. The Report is to be submitted to and approved by the Local Government prior to a Building Permit being issued. If required, the development to be altered to comply with the Report to the satisfaction of the Town of Claremont.**
- 9. A Landscaping Plan is to be prepared to address Residential Design Codes Vol. 2 - Apartments Part 4.12 – Landscaping Design, including details of irrigation and verge treatments. The plan is to be submitted to and approved by the Town of Claremont prior to a Building Permit being issued. Landscaping Plan is to include verge planting and irrigation details and is to be fully implemented prior to completion of the development.**

10. The proposed photovoltaic system is to be installed prior to completion of the development with the size and design of the system to address Residential Design Codes Vol. 2 - Apartments Part 4.15 be approved by the Town of Claremont prior to installation.
11. All dwellings are to be constructed to exceed the minimum NATHERS requirement for apartments by 0.5 stars to address Residential Design Codes Vol. 2 - Apartments Part 4.15. Details are to be submitted to the Town of Claremont prior to the issue of a Building Permit.
12. The development is to be altered to comply with Residential Design Codes Vol. 2 - Apartments Part 4.16 – Water Management and Conservation. Details are to be submitted to and approved by the Town of Claremont prior to the issue of a Building Permit.
13. A Waste Management Plan is to be prepared to address Residential Design Codes Vol. 2 - Apartments Part 4.17 – Waste Management. The Waste Management Plan is to be submitted to and approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the life of the development.

Should onsite collection be recommended as a result of the Waste Management Plan, the following requirements apply:

- I. A minimum clearance height of 3.2m is to be provided for waste collection.
- II. Prior to the issue of a Building Permit for the proposed development on Lot 200 Ashton Avenue, the owner shall enter into a Deed with the Town of Claremont to provide for suitable waste collection arrangements to satisfy the *Waste Avoidance Resource Recovery Act 2007* whereby the owner:
  - (a) Indemnifies the Town of Claremont and its officers, employees and contractors in respect of any potential damage that may occur within the land to any property or person relative to the performance of waste collection services for the occupants of the subject development.
  - (b) Agrees to take out and maintain a policy of public liability insurance to the satisfaction of the Town of Claremont in respect of all claims arising out any loss or damage occurring on the land in the course of the waste collection services by the Town of Claremont employees, officers or contractors.
  - (c) Agrees to provide internal storage for all waste on site and to maintain all common accessways on the land so as to permit the Town of Claremont employees, officers or contractors to gain access to the land for the purposes of collecting rubbish and carrying out waste management services on the land.

The agreement shall be prepared by Council's solicitors to the satisfaction of the Town of Claremont. The legal agreements is to be prepared at the applicant's cost and registered as an Absolute Caveat on the relevant Certificates of Title to the satisfaction of the Town of Claremont.

- III. Prior to the occupation of any part of the proposed development the owner shall grant to the Town of Claremont an easement in gross for vehicular access purposes pursuant to Section 195 of the *Land Administration Act 1997* over the common accessways and waste storage areas forming part of the proposed development in accordance with the specifications and to the satisfaction of the Town of Claremont to ensure that Town of Claremont officers, employees and contractors may access the waste storage areas and common accessways for the purposes of collecting rubbish and carrying out waste management services on the land. The Easement shall be prepared by

**Council's solicitors and the owner shall be responsible to cover all associated costs.**

- 14. The proposed access gates shall be moved back to be allow public access to the four bays located to the north of the bin storage area and these shall be marked as visitor parking bays to address Residential Design Codes Vol. 2 - Apartments Part 3.9 – car and bicycle parking, to the satisfaction of the Town of Claremont.**
- 15. All car bays complying with the minimum dimensions required under Australian Standard AS2890.1:2004.**
- 16. Prior to the issue of a Building Permit a Crime Prevention Through Environmental Design report is to be submitted, and its recommendations implemented, to the satisfaction of the Town of Claremont.**
- 17. Prior to the issue of a Building Permit, a Lighting Plan is to be prepared and approved to the satisfaction of the Town of Claremont. The Lighting Plan shall cover all public areas of the building including stairwells, entry points and the building perimeter, showing suitable levels and types of lighting to ensure maximum visibility and safety for pedestrians and users of the site in accordance with the Australian Standards.**
- 18. All servicing areas and other parts of the land or building which are likely to be untidy in appearance are to be completely screened from public view and from view from adjoining properties. Details are to be provided to the satisfaction of the Town of Claremont with an application for a Building Permit.**
- 19. Prior to the issue of a Building Permit for the proposed development, details of screening to all external Mechanical Services visible from the public realm shall be provided, to the satisfaction of the Town of Claremont.**
- 20. This approval is valid only if the development is commenced within 24 months of the date of approval.**

#### **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. The Building Permit application MUST be certified prior to submission.**
- ii. The applicant is advised that a separate crossover application will be required prior to the installation/construction of any crossover or associated works.**
- iii. The applicant/owner is advised to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.**
- iv. The applicant/owner is advised of the following health requirements from the Town of Claremont's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:**
  - a) All plant and machinery (such as air conditioners and pool pumps) is to be suitably sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.**
  - b) Works that are to be undertaken on site are to comply with 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 6:00pm between Monday and Saturday inclusive; or**
    - ii) On a Sunday or public holiday.****

- d) **Each apartment is to be provided with a 240L yellow top sulo bin and a 120L green general waste bin. As an alternative to providing each multiple dwelling with a 120L green general waste bin, the required green general waste bins could be reduced to one bin per two multiple dwellings if the bin size is increased to 240L.**
- v. **Prior to the issue of a Building Permit, the applicant is to submit revised plans for approval which include:**
  - a) **Sections through the driveway and crossover to demonstrate how stormwater will be restricted from entering the property from the street.**
  - b) **Plans, details and dimensions regarding roof areas, paved areas and stormwater retention devices, including the location, size and overland flow paths for any proposed soak wells.**

**For: Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Peter Edwards, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford, Cr Bruce Haynes**

**Against: Mayor Jock Barker**

**CARRIED 9/1**

**RESOLUTION 003/20**

**13.1.2 39 GUGERI STREET CLAREMONT - STAGE 1 UPGRADES TO CLAREMONT RAILWAY STATION**

**File Number:** 01PEA/19/2193, D-19-45161

**Attachments:**

1. Location and Submission Map
2. Photograph
3. Application Report
4. Plans
5. Supporting Information
6. Table of Submissions
7. Submissions - Confidential

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**Authoriser:** Liz Ledger, Chief Executive Officer

**Proposed Meeting Date:** 4 February 2020

**Date Prepared:** 23 January 2020

**DA No.:** DA2019.00157

**60/90 Days Due Date:** 5 March 2020

**Property Owner:** Public Transport Authority, State of WA, WA Land Authority, Town of Claremont, E & J Hall

**Applicant:** Element

**Lot No.:** Various – See report

**Area of Lot:** Total area of Planning Control Area – 71,260 m<sup>2</sup>

**Zoning:** Metropolitan Region Scheme ‘Railways’ Reservation  
Local Planning Scheme No.3 ‘No Zone’ (Lots 500, 14152 and 14153) and Local Road Reserve  
Planning Control Area (PCA) 136

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**Enabling Legislation:** *Planning and Development Act 2005 (PD Act)*  
*Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*  
*Public Works Act 1902 (PW Act)*  
*Metropolitan Region Scheme (MRS)*  
*Heritage of Western Australia Act 2018 (HWA Act)*  
*Local Planning Scheme No. 3 (LPS3)*

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**SUMMARY**

- Application for Metropolitan Region Scheme (MRS) Development Approval received for upgrades to the Claremont Railway Station, to be determined by the Western Australian Planning Commission (WAPC) as a ‘public work’. The upgrades form part of the State Government’s implementation of Metronet, and form an integral part of the Forrestfield Airport Link (FAL). The application is for Stage 1 upgrades proposed to be implemented by 2021, with future upgrades (to cater for longer train carriages) required at a later stage.
- Proposed Stage 1 upgrades include:
  - Train turnback facilities to support the FAL

- Upgrading and extending the central platform to the east
  - Removal of the western at-grade pedestrian crossing and relocation of the eastern at-grade crossing to the east
  - Pedestrian underpass to the west
  - Construction of noise wall and associated noise mitigation measures to the west
  - Bus interchange facility to the west on Guger Street involving realignment of the Guger Street carriageways and median, and
  - Realignment of the Principal Shared Path (PSP).
- The applicants have been liaising with the Town, State Design Review Panel (SDRP) and Heritage Council to upgrade the station in an appropriate manner. The project has been modified significantly from initial proposals to address the majority of stakeholder concerns.
  - 473 affected landowners and occupiers were consulted and 14 submissions were received.
  - Submissions raised a number of concerns including removal of the at-grade pedestrian crossing, location of the underpass, Guger Street pedestrian crossing and bus interchange, road layout modifications, parking, traffic, closure of existing median openings, noise mitigation, heritage conservation, construction impacts and disabled access, and validity of the application.
  - The applicant suitably addressed the majority of the concerns raised. Remnant concerns may be addressed through the application of conditions should the application be approved. Some concerns will require ongoing negotiation between the PTA and affected parties.
  - Application is recommended for approval, subject to relevant conditions.

## PURPOSE

The application proposes Stage 1 upgrades to the Claremont Railway Station as described above to facilitate the Metronet program and the Forrestfield Airport Link (FAL).

The proposed development is not required to obtain Development Approval under Local Planning Scheme No. 3 (LPS3), but is required to be determined by the Western Australian Planning Commission (WAPC) pursuant to the Metropolitan Region Scheme (MRS) as the land is contained in Planning Control Area (PCA) 136 approved under Section 112 of the *Planning and Development Act 2005* (PD Act) by the WAPC on 27 March 2019 and Gazetted 30 July 2019.

Council was required to make its recommendation to the WAPC within 30 days of receipt of the application (by 5 January 2020), however due to the application being lodged in close proximity to the Christmas period, the time period has been extended to allow for an extended consultation period during the Christmas /New Year break and Council to consider its recommendation to the WAPC at this meeting.

An MRS Form 1 Development Application signed by all the affected landowners has not been lodged and does not yet have the endorsement of the Town's Chief Executive Officer (Lot 500) and E & J (Mack) Hall (Lots 14152 and 14153 – 35 Guger Street) as affected landowners. While this report seeks to obtain Council's consent for the CEO to sign the application to enable the application to progress through formal Development Approval processes, it is noted that the Department of Planning, Lands and Heritage (DPLH) has advised that the provisions contained in the PD Act with regard to PCA 136 effectively exempt the need for landowner endorsement on the application, however WAPC and PTA will need to consider this matter further with regard to the use of Mack Hall land.

## BACKGROUND

As part of the State Government implementation of the Metronet project, upgrades are proposed to the Claremont Railway Station. Due to location and facility requirements the Claremont Station has been chosen as the terminus (turnback) for the FAL.

Original concepts provided by the Public Transport Authority (PTA) proposed full redevelopment of the Station, including removal of both at-grade crossings, closure of the heritage footbridge access to the western area of the platform, bus interchange to the east of the site and construction of a large overpass pedestrian bridge to east in alignment with Leura Avenue. No pedestrian underpass was proposed.

After a lengthy review process involving the Town, Heritage Council, relevant stakeholders and the State Design Review Panel (SDRP), the PTA agreed to stage (decouple) the project so that only infrastructure necessary for the implementation of the FAL would be constructed as part of Stage 1 in order to allow for the project completion in 2021. Stage 1 works essentially relocate the bus interchange to the current location which is reliant on a slightly modified version of the existing road network (i.e. – realignment and modification of Gugerri Street carriageways and median strip and continued utilisation of the existing Gugerri Street roundabouts at its intersections with Leura Avenue and Divers Link).

Stage 2 will involve consideration of sensitive upgrades to the existing heritage bridge to improve accessibility standards and in the future. Should the central platform be extended to accommodate additional train carriages, further upgrades may be required most likely involving the long-term closure of the eastern at-grade pedestrian crossing.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
Numerous dates leading up to application lodgement	Extensive discussion between officers from the Town, PTA and their consultants, SDRP, Heritage Services of the Department of Planning Lands and Heritage (DPLH), Community Advisory Group (CAG) and Council Briefings
27 March 2019	Planning Control Area declared by WAPC
10 December 2019	Application for Development Approval received by Council
11 December 2019	Application undergoes internal DCU assessment
19 December 2019	Advertising commenced
17 January 2020	Advertising closed
28 January 2020	Report prepared for Council

## PAST RESOLUTIONS

At its meeting held 3<sup>rd</sup> December 2019 the Council resolved:

*“That the Council advises the Public Transport Authority that it will enter into an agreement, of the type and form attached to this agenda, to formalise its responsibilities and those of the PTA with respect to the development and maintenance of the proposed underpass, constructed as part of the PTA’s Claremont Station Project.”*

## Statutory Considerations

### WAPC Determination

The proposed works form part of the Western Australian Government’s Metronet public transport program and the FAL. Under the PD Act, the PTA is exempt from seeking Development Approval for a ‘public work’ from the Town of Claremont. Approval is only required by the WAPC under the MRS.

### Planning Control Area

The proposed development is located within Planning Control Area under Section 112 of the PD Act. This establishes that the WAPC is responsible for all development control, including the determination of all Development Applications within the Planning Control Area.

### Landowner Consent

An MRS Form 1 Development Application has not been signed by the relevant landowners and does not yet have the endorsement of the Town’s Chief Executive Officer (CEO) as an affected landowner. This report seeks to obtain Council’s consent for the CEO to sign the application to assist the

application to progress through formal Development Approval processes. While this support for the application is not specifically required (see below), it will be necessary for the PTA requirements over the Town's land to be met in order for the project to proceed. On this basis, the Town is to continue ongoing negotiations of terms and conditions with the PTA to establish the necessary PTA controls over the Town's land in support of this project. Draft proposals will require referral to Council for endorsement.

It is also noted that an objection has been lodged by the owner of 35 Guger Street, Claremont, advising they will not be signing the application form as the loss of parking bays associated with the site has not yet been resolved.

The DPLH has advised that owner endorsement to the application is not required as section 130 of the PD Act provides that Part 7 of the Act prevails over other provisions of the Act and Region Planning Scheme and any Local Planning Scheme to the extent of any inconsistency. Section 130 overrides the normal Development Application and approval control provisions and replaces them with a different Development Application and approval processes relative to a PCA.

The *Planning and Development (Local Planning Schemes) Regulation 2015* deemed provisions which normally apply in a local planning scheme regarding the Development Application processes and the normal requirement for the land owner's signatures on an MRS Form 1 do not apply in a PCA. Notwithstanding the PTA is still in discussion on this matter with the landowner with the view of resolving their concerns.

## Heritage

Properties involved in this application are included on the State Heritage Register and on the Town's Heritage List. As such the application was referred to the Town's Heritage Officer and the following comments have been made in regards to the proposal:

The most significant of the Stage 1 proposed works for the Railway Station are the extension of the middle platform and alterations and associated additions to the customer service office. It is noted that no changes are currently proposed for the significant heritage fabric of the Station Master's House and station building and the pedestrian bridge.

The Conservation Plan for the complex identifies the middle platform as having 'Considerable Significance', whereas the Station Master's House and bridge are of 'Exceptional Significance'. There have been a number of changes to the middle platform since its original construction, and its significance is less in its fabric than in ongoing usage. The changes to the customer service office are considerable, but in keeping with the aesthetic values of the building.

Therefore, the proposed works will have some to moderate impact on the middle platform, but a low impact on the heritage values of the overall site.

As the Town is not the decision maker for these works, the Town is not required to make a referral to the State Heritage Office under Section 73 of the *Heritage of Western Australia Act 2018*.

## COMMUNICATION/CONSULTATION

The application was advertised in accordance with Council Policy LG525, with an extended period of 28 days given advertising was being conducted over the Christmas and New Year period and partially during the Town's office closure.

473 adjacent neighbours were consulted and 14 comments were received. A summary of the submissions are provided as an attachment to this report. The main concerns raised in submissions include the following:

- Removal of at-grade crossings
- Location of underpass
- Location of bus interchange
- Road layout modifications

- Parking
- Traffic
- Noise
- Heritage
- Disabled access

Full copies of the submissions are attached to this report.

In response to these matters the applicant (Element for PTA) has advised as follows:

#### Pedestrian Connectivity

*A number of the submissions raise concerns regarding the removal of the western at-grade pedestrian crossing and suggest that this will cause inconvenience for patrons, particularly those with impaired mobility. In response, it is noted that:*

- *The western at-grade pedestrian crossing must close for technical and safety reasons, and for similar reasons a replacement at-grade crossing cannot be installed. This is in accordance with policy positions established by the Office of National Rail Safety Regulator (ONRSR) and adopted by the PTA; and*
- *The proposal still maintains access to the Station platform via the existing heritage bridge, provides universally accessible access via the relocated eastern at-grade crossing, and provides a new grade-separated access across the rail corridor in the form of the proposed pedestrian underpass to the west of the Station; and*
- *An earlier design proposed by the PTA included a fully enclosed access to the Station platform with an overbridge and lift access from both the north and south of the Station. This early design received considerable negative reaction from a number of stakeholders including the Town of Claremont (the Town) and the Office of The Government Architect (OGA). This has informed the proposed Stage 1 design solution, with Station access to be considered further as part of the future Stage 2 upgrades.*

*The submissions also contain commentary regarding the existing heritage footbridge, suggesting that is not suitable for use in inclement weather, should be moved further east or west, and should be provided with new lifts to improve accessibility. In response, it is noted that:*

- *The use of the heritage footbridge in all weather is one of the current means of access to the Station, with no changes proposed to this existing arrangement; and*
- *In response to feedback received from the Town and the Heritage Services branch of the Department of Planning, Lands and Heritage (DPLH), the Stage 1 works do not propose any works relating to the heritage footbridge. The PTA intends to further investigate the ongoing role of the heritage footbridge as part of the future Stage 2 upgrades, in consultation with the Town and the Heritage Services branch of DPLH.*

*One of the submissions also suggests that the alignment of the proposed underpass to the west of the Station should be modified to lead directly into the Claremont Quarter laneway. In response to this, it is noted that a direct path access is proposed between the underpass and the existing pedestrian crossing that leads to the Claremont Quarter laneway, to provide safe and convenient access for pedestrians. Existing site levels would also not enable compliant grades to be provided if the underpass were to be located further east, directly opposite the Claremont Quarter laneway.*

- *The existing crash data and the relevant Austroads Standards that have informed the proposed design solution are referenced in the traffic report that was submitted with the application;*

- *Gugeri Street is a public road under the care, control and management of the Town and consultation undertaken with the Town to date has confirmed that they are supportive of the proposed median upgrade; and*
- *The PTA will continue to consult with the relevant landowners in an attempt to address their concerns. This may include further consideration of alternative delivery routes and access arrangements, in consultation with the project traffic consultant, and any changes to the planned redevelopment of the Thirsty Camel site (as referenced in one of the submissions).*

#### Location of Bus Interchange

*In response to a number of comments regarding the location of the proposed bus interchange facility, it is noted that the proposal is a direct result of the considerable negative reaction from local residents, the OGA and the Town to the original bus interchange location to the east of the Station within the PTA's reserve on Gugeri Street. The current proposal was developed in consultation with, and is acceptable to, the Town and other relevant stakeholders.*

#### Noise Mitigation

*The submissions raise a number of matters in relation to the submitted acoustic assessment and the development of noise mitigation measures for the project, as follows:*

- *Queries relating to the implementation of recommended track geometry and its impact on wheel squeal/flanging noise;*
- *Comments relating to the need for a conservative and accurate approach to be adopted for the assessment of noise impacts;*
- *Comments relating to the increased frequency of noise impacts as a result of the increased frequency of train services; and*
- *Strong support for the use of noise walls as the most effective method of mitigating noise impact.*

*Whilst the proposed acoustic walls do not require planning approval by virtue of the applicable exemptions under the Metropolitan Region Scheme (MRS), the following responses are provided:*

- *Track radii have been maximised as far as possible within the constraints of the track geometry in the vicinity of the Station, in accordance with the recommendations of the acoustic assessment that was submitted with the application;*
- *The acoustic design levels considered by the PTA are more stringent than the applicable guidelines under State Planning Policy 5.4, particularly in the consideration of maximum noise levels, representing a conservative approach to mitigating noise impacts;*
- *The design is also conservative in regards to how many trains per day and the speed of trains in the area;*
- *What is declared to be "as low as reasonably practicable" in terms of noise impact needs to be balanced with other factors such as visual impact, security, safety, access to light and so forth. The PTA has consulted with the community on the proposed noise walls and has taken on board the extensive comments around the balance of excessive noise versus visual impact, to inform the proposed design solution;*
- *The acoustic modelling that has been undertaken is fully three dimensional and accounts for changes in terrain and the height of the railway noise sources. It uses a well proven code referred to as Kilde 130, which is known for reflecting a conservative assessment methodology where sound sources are above receiver locations, as queried in one of the submissions; and*
- *The strong support for the provision of noise walls in one of the submissions is noted. However, other members of the community have advocated strongly for the use of rail-web*

*dampers, which have demonstrated reduction of noise in other jurisdictions. As such, the PTA is currently investigating the application of rail web dampers as an alternative to noise walls.*

*Any proposed noise walls would be constructed of concrete panels and steel posts, and whilst the external finish of any such noise walls is yet to be finalised, this would be developed in consultation with the residents living adjacent to proposed noise walls. The PTA would also consider landscaping as part of this process.*

### Heritage Conservation

*Whilst no specific concerns are raised in the submissions, it was noted that works should be undertaken to minimise heritage impacts on the existing Station buildings.*

*In response to the above, it is noted that there is very little impact to the heritage fabric of the Station and the proposal has been supported by the Heritage Services branch of DPLH, subject to some minor conditions concerning the preparation of an archival record and an archaeological watching brief. The PTA will comply with these conditions as the project progresses.*

### Design Commentary

*In response to the design related commentary contained within Submission 7, it is noted that:*

- The new platform shelter is based on a standard PTA design and has received no negative comments from the Heritage Services branch of DPLH;*
- The driver's toilets are functional and are a sufficient distance away from the heritage aspects of the Station; and*
- The decision to undertake the development in a staged manner recognises the need for further collaboration with the key stakeholders on the urban design outcomes associated with the broader upgrades that will be delivered as part of the future Stage 2 scope of works.*

### Construction Impacts

*The submissions raise a number of matters in relation to the management of construction impacts, including a desire for the PTA to:*

- Minimise impacts to traffic flow and parking on Claremont Crescent, particularly in respect of the car parking bays associated with the existing retail tenancy at the corner of Shenton Road;*
- Minimise the extent of night works and the associated noise impacts to surrounding properties;*
- Provide an indicative timeframe for the commencement of construction works;*
- Notify surrounding property areas prior to works commencing; and*
- Minimise disruption to local businesses.*

*In response, it is noted that:*

- Portions of Claremont Crescent will be impacted during the construction of the proposed pedestrian underpass, with traffic management diversions in-place. However, minimal impact is anticipated for residential access to Claremont Crescent and no works are planned or anticipated for the car parking bays associated with the existing retail tenancy at the corner of Shenton Road;*
- Whilst some night works are inevitable for a major rail project of this nature, the PTA will endeavour to provide as much notice as possible to surrounding property owners prior to any night works commencing. A noise management plan will also be in place for any night works during the construction phase;*

- *Early construction works are currently scheduled to commence in March 2020, with progressive works to be undertaken during the day, as well as weekend and evening works throughout the remainder of 2020 to mid-2021. Alternate transport arrangements will be available where rail services are impacted during that time;*
- *The PTA will advise local residents and businesses prior to works commencing; and*
- *Construction impacts will be managed to minimise disruption to local businesses and residents, in accordance with a Construction Management Plan that will be prepared prior to the commencement of works.*

#### Mack Hall Submission

*As noted previously, the location of the proposed bus interchange facility is a direct result of the considerable negative reaction from local residents, the OGA and the Town to the original bus interchange location to the east of the Station on Guger Street. Whilst this does result in an impact to the existing Mack Hall landholding at Lot 14153 (No. 35) Guger Street, which gives rise to the need for the PTA to purchase land from Mack Hall, the PTA is prepared to adequately compensate the property owner as part of the purchase of this land, and is hopeful that an agreement can be negotiated. This process will consider how the impact on Mack Hall's existing car parking arrangements can be offset in consultation with the Town.*

*It must also be acknowledged that the establishment of the bus interchange is a key component of this important transport infrastructure project associated with the establishment of the Forrestfield-Airport Link (FAL), which will deliver significant benefits for public transport users throughout the local area and the broader metropolitan region. The associated impacts on Lot 14153 are considered acceptable in this context, having regard to the purpose and intent of Planning Control Area 136.*

*Lastly, the submission made on behalf of Mack Hall contends that the lack of an MRS Form 1 signed by Mack Hall renders the development application invalid. However, advice received from DPLH indicates that a completed and signed MRS Form 1 is not required for development within an identified Planning Control Area, as advised in our covering letter to the Town that was submitted as part of the application. As such, Element and the PTA consider that the information submitted constitutes a valid application, as advised by DPLH.*

#### Traffic and Car Parking

*With respect to the impact of the proposed bus interchange facility on Guger Street traffic congestion, it is noted that:*

- *The implementation of the bus interchange, with the planned addition of six (6) buses per hour during the peak periods, will have minimal impact on the traffic movements on Guger Street; and*
- *The proposed location of the bus interchange is a specific response to feedback received from the Town and other relevant stakeholders, including local residents.*

*One of the submissions also raises a concern about existing parking practices on Barnfield Road and suggests the installation of landscaping and no parking signs to discourage use of this area. However, this area is not included in the scope of the project and other than connecting to utility services, there are no works planned in this area. The area will be used as an access point for construction vehicles to access the rail reserve during construction. The PTA will work with contractors to identify appropriate car parking facilities to minimise impact during construction. However, in the longer term, there are ongoing discussions to transfer this land to the care and control of the Town.*

*One of the submissions also suggests the provision of dedicated rideshare bays on Guger Street. However, this is outside the remit of the PTA and is a matter for the Town to consider and respond to, if deemed appropriate.*

#### Median Closures on Guger Street

Three of the submissions received indicate concerns with the proposed closure of the median gaps on Guger Street to restrict right turn movements in and out of the existing Thirsty Camel liquor store and the service entry for the Claremont Hotel. In response, it is noted that:

- The PTA has identified that the median must be upgraded to ensure the safety of pedestrians and vehicles. The existing median is not compliant with Austroads Standards and several incidents have occurred in this area. With increased passenger numbers forecast this is likely to increase the risk of pedestrian-vehicle and vehicle-vehicle conflict. The risk can be controlled by installing a continuous fence down the median and preventing right turn movements, as proposed;
- The design has been formulated following an assessment of crash data from Main Roads, a review of the existing layout drawings, as well as physical inspections and observations of the site, in line with applicable Austroads Standards.

## DISCUSSION

### Description

The application for Stage 1 upgrades to the Claremont Railway Station proposes train turnback facilities to support the FAL and includes the following:

- Retention of the existing heritage footbridge
- Upgrading and extending the central platform
- Removal of the western at-grade pedestrian crossing and relocation of the eastern crossing
- Pedestrian underpass the west
- Train turnback tracks to the west of the station
- Installation of acoustic walls to the west of the station
- Bus interchange facility on Guger Street and
- Realignment of the Principal Shared Path (PSP).

### Heritage Bridge

The Claremont Railway Station is a significant collection of heritage buildings. The bridge is important in that it forms the primary historical pedestrian connection to the station and across the railway lines, linking land to the north and south of the railway directly into Bay View Terrace and the Town Centre. The original concepts presented by the PTA proposed closure of the heritage footbridge access to the station and a new pedestrian overpass to the east of the station adjacent Leura Avenue. The Town raised concerns about the loss of the historic pedestrian connection over the footbridge and disconnect between the location of the proposed overpass and the Town Centre. Safety concerns were also raised regarding the introduction of significant pedestrian movements at the Leura Avenue roundabout which carries over 25,000 vehicles per day.

As a result of discussions between officers of the Town and PTA, the existing bridge and station access are proposed to be maintained for this stage of the station redevelopment. Stage 2 of the station redevelopment will address possible modifications and improvements to the heritage bridge to improve disabled access to the western side of the platform. In the meantime disabled access will be provided through the relocated eastern at-grade pedestrian crossing.

### Train Turnbacks

The proposed train turnbacks and increase in train frequency will result in additional noise from carriage wheels and brakes is likely to impact on adjoining residential property amenity. Details on the acoustic walls have not been included in the application as they are considered development exempt from Development Approval under the MRS. However, in order address resident concerns and mitigate noise impacts it is recommended that acoustic walls and of rail-web dampers be installed on the rail tracks. The location and construction of acoustic walls should take into account Crime Prevention Through Environmental Design (CPTED) issues related to the location of walls and associated landscaping, and also overshadowing impacts on rear yards. It is accordingly recommended that, subject to satisfactory discussions with affected neighbours, a consistent acoustic wall with clear sheeting at the upper height to reduce overshadowing impacts on the rear yards be constructed along the adjacent residential properties.

### At-grade Railway Crossings

The original concept plans prepared by the PTA proposed complete removal of the two at-grade crossings, in alignment with their policy of at-grade crossing removal. After extensive negotiations the PTA have proposed the interim relocation and retention of the at-grade crossings to the east of the station access to provide for the only disabled access to the station.

The western at-grade crossing is still proposed to be removed, and replaced with an underpass further to the west (see discussion below). The PTA have advised that the frequency of trains to the west will result in the western at-grade crossing being closed for the majority of the time. This will limit disabled access to the east side of the platform until such time as further improvements can be accommodated as part of Stage 2 and consideration of options for improvements to the heritage footbridge. Several submissions raised the option of having a new at-grade crossing located to the eastern side of the Mack Hall building, avoiding the turnback tracks, however due to grade constraints, suitable disabled access from a crossing to the station platform in this location is not feasible.

### Underpass

Due to the closure of the at-grade crossing to the west an underpass is proposed to provide pedestrian and bicycle access. Existing infrastructure and grade constraints of the locality prevent an underpass closer to the station for station access. The underpass is proposed west of the station closer to Drivers Lane roundabout to create a north south connection across the rail corridor but with no direct connection to the station. The underpass will ramp up to the signalised intersection with the Claremont Quarter (pedestrian crossing and access to car parking area). The Town will ultimately be responsible for the maintenance of the underpass.

Whilst not ideally located, the underpass will go some way to maintain connectivity. Several design matters can be addressed through conditions on any approval, including:

- A CPTED report should be undertaken, and its recommendations carried out, including the provision and use of CCTV and lighting
- A shared path connection from the northern opening of the underpass west along Claremont Crescent to Stirling Road to be provided to link the underpass with the existing pedestrian movement network.

### Gugeri Street Pedestrian Crossings

The application proposes to use the existing pedestrian crossing in Gugeri Street to the west of the proposed bus interchange and east of the proposed pedestrian underpass. The disconnection and alignment between the existing Claremont Quarter laneway (north-south) and the Gugeri Street pedestrian crossing to (approx. 12m to the west) was raised during the CAG discussions and in the submissions. Concern was expressed that the connection needed to be more direct to discourage pedestrians from taking short-cuts to the bus interchange (east of the laneway) and jumping the barrier fence. This concern is not to be confused with the concern raised over realignment of the underpass further to the east which is commented on by the PTA consultant above. Relocation of this crossing to align with the Claremont Quarter laneway will improve the direct link with the bus interchange and pedestrian safety. Relocation will not impact on the bus stacking in the interchange,

but would require an extension of the distance between traffic signals from 18m to 40m approx., which is supported by the Town's Engineering Services.

### Bus Interchange

A new bus interchange was initially proposed by the PTA on Guger Street east of the station. Town had concerns about issues with access at the proposed location including its dislocation with the Town Centre, impact on flora (heritage listed grass trees), Rowe Park, impact to residential access on south side of Guger Street, and traffic impacts on Langsford Street.

The Town suggested a number of alternatives including splitting the bus interchange to the north and south sides of station with associated reconfiguration of bus routes and modification of the existing interchange on Guger Street to the west of the station.

In response to the concerns raised by the Town and significant concern raised by local residents at a CAG meeting, the PTA has worked with the Town to modify the design and the application now proposes the existing location be used, and significantly lengthened to the west. It is considered this option is the best approach in principal subject to satisfaction with the detailed reconstruction of Guger Street to accommodate the longer bus rank, and for negotiations to continue on the use of the Town of Claremont's land to the north of Guger Street and land owned by Mack Hall.

The proposal will require the re-alignment of the Guger Street carriageways together with the median island, with associated infrastructure including a barrier fence. This is an important pedestrian safety consideration as there have been a number of existing safety concerns raised regarding pedestrians traversing the area in front of buses and passing traffic in Guger Street. The issue is emphasised as part of this application as the proposal is to convert the existing Guger Street/ Bay View Terrace turning lane into a through traffic lane to accommodate the interchange proposal.

The conversion of the turning lane to a through traffic lane requires the removal of the existing median openings in front of the Claremont Hotel Drive through bottle shop. It is noted that the Town has approved the redevelopment of the Claremont Hotel to remove the bottle shop and the approval addresses the need to modify the median openings. This proposal will require the complete closure of both median openings to address both pedestrian and vehicle safety concerns. This has attracted a couple of submissions as removal of the median break at the Claremont Hotel laneway will impact on vehicle/delivery movements and will require ongoing discussions between the PTA and owner of the Claremont Hotel to mitigate the impacts (if possible). Options for consideration should include use of smaller delivery vehicles, provision of an increased corner truncation.

### Principle Shared Path on Guger Street

The Principle Shared Path (PSP) proposed to be installed on the south side of the rail corridor east of the station is shown as terminating at the temporary at-grade crossing location to the east of the station. The PTA had initially agreed to continue the PSP to the Shenton Road underpass, and this may be included as part of Stage 2, however this should be completed as an early part of the project to provide alternate routes for the duration of the construction period, as well as for continued use post construction. A condition is recommended on any approval that the PSP be extended to the Shenton Road underpass.

### Plan Anomalies

The application package includes a number of anomalies which are noted as follows and should be reviewed/addressed by the PTA and WAPC in determining the application:

- Pedestrian barrier along Guger Street central median not shown
- Acoustic wall details not shown
- Plan for retaining shows superseded bus interchange proposal to the east
- No details for options to address the reduction of parking at 35 Guger Street
- Clarity on the length of the median barrier fencing in Guger Street fronting the Claremont Hotel.

## Stage 2

No detail has been provided as to what upgrades will be required for the Stage 2 development, however it is expected that disabled access and other Australian Design requirements will be addressed through sensitive modifications to the existing heritage bridge. Other matters such as provision of public toilets in the location and the opening up of the platform north of the Station Master's House for public use are also expected to be considered in the review of Stage 2 plans. The Town will work with the PTA, SDRP and Heritage Services branch of the DPLH to progress Stage 2 proposals.

## Recommendation to WAPC

It is concluded that this project has evolved to a point where the proposed development suitably addresses a number of concerns raised by the Town, Heritage Council and SDRP during preparation of development plans. The project is expected to offer considerable opportunity for growth in the Town Centre and surrounding locality. Noting there are remnant concerns to be resolved concerning access to the Claremont Hotel and landowner considerations with regard to 35 Guger Street and use of the Town's land which will need to be addressed and satisfied in order for the project to proceed, it is recommended that the WAPC be advised of Council's conditional support.

## **FINANCIAL AND STAFF IMPLICATIONS**

Negotiations and consultation with the PTA have involved a number of staff since late 2018. In terms of ongoing financial implications, the Town will be responsible for maintenance costs associated with the underpass if constructed.

## **POLICY AND STATUTORY IMPLICATIONS**

Nil

## **STRATEGIC COMMUNITY PLAN**

### **Liveability**

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

- Promote and support initiatives that improve traffic flow.
- Balance the Town's historical character with complementary, well designed development.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

### **Local Prosperity**

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

- Plan for the development of attractive and thriving activity nodes to support small local business.
- Raise profile of the Claremont Town Centre as a visitor destination.

## **URGENCY**

Council is required to make its recommendation to the WAPC within 30 days of receipt of the application (by 5 January 2019), however the time period has been extended to allow for Council to consider its recommendation to the WAPC at this meeting.

## **CONCLUSION**

Based on the above, it is recommended that approval be granted subject to the conditions in the officer's recommendation.

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**Moved:** Cr Jill Goetze

**Seconded:** Cr Peter Telford

**OFFICER RECOMMENDATION**

**That Council**

- A. Authorise the Chief Executive Officer to endorse the Development Application for the Stage 1 upgrades to the Claremont Railway Station subject to ongoing negotiation of terms and agreement with the Public Transport Authority, which will require final endorsement by Council.**
- B. Advise the Western Australian Planning Commission that it recommends Development Approval be granted for proposed upgrades to the Claremont Railway Station at (35 and 39) Guger Street, Claremont subject to the following conditions and advice notes:**
  - 1. All development shall occur in accordance with the approved drawings (Development Application DA2019.00157), as amended by these conditions.**
  - 2. Relocation of the Guger Street pedestrian crossing to align with the Claremont Quarter laneway to improve the direct link with the bus interchange and pedestrian safety.**
  - 3. Noise mitigation measures inclusive of rail-web dampers and acoustic walls to be provided to the satisfaction of the Town of Claremont following preparation of detailed plans in consultation with affected neighbours. A consistent acoustic wall with clear sheeting at the upper height to reduce overshadowing impacts on the rear yards is recommended to be constructed along the adjacent residential properties.**
  - 4. Compliance with the requirements of the Heritage Services branch of Department of Planning, Lands and Heritage inclusive of the preparation of an archival record and an archaeological watching brief.**
  - 5. Preparation of a Crime Prevention Through Environmental Design report to the satisfaction of the Town of Claremont and its recommendations carried out, including the provision and use of Closed Circuit Television and lighting.**
  - 6. A detailed landscaping plan is to be submitted taking into account a Crime Prevention Through Environmental Design assessment of proposals including additional planting adjacent the proposed Barnfield Avenue acoustic wall.**
  - 7. The external materials and colour finishes of the development are to be to a standard such that it complies with the requirements of Clauses 76 and 77 of the Town of Claremont Local Planning Scheme No. 3, to the satisfaction of the Town of Claremont.**
  - 8. A shared path connection from the northern opening of the underpass west along Claremont Crescent to Stirling Road to be provided to link the underpass with the existing pedestrian movement network to the satisfaction of the Town of Claremont.**
  - 9. Bike path on the southern side of the railway to be extended to the east of Claremont Station to the Shenton Road underpass.**
  - 10. Final detailed design of the proposed road modifications to be provided to the Town of Claremont Engineering Services for approval prior to commencement of any works in the road reserve. Preparation of detailed plans for modifications to parking at 35 Guger Street to the satisfaction of the owner and Town of Claremont.**

11. **A Construction and Site Management Plan detailing access to the site, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.**

**Advice Notes:**

1. **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.**
2. **Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
3. **If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.**
4. **Where new or modified crossovers are proposed as part of this development, applicants are required to submit a Crossover Application Form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards and specifications, and to download the Crossover Application Form.**
5. **This property is included on the Town of Claremont's Heritage List and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land requires Development Approval and the application may be referred to the Heritage Council.**
6. **The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:**
  - i. **All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.**
  - ii. **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.**
  - iii. **The applicant is required to remove any hazardous materials encountered during construction/demolition at their own expense and in accordance with the Code of Practice on Safe Removal of Asbestos [NOHSC: 2002(2005)] as stipulated by the *Occupational Health and Safety Regulations 1996*, and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.**

**For:** Mayor Jock Barker, Cr Jill Goetze, Cr Peter Browne OAM, JP, Cr Sara Franklyn, Cr Paul Kelly, Cr Kate Main, Cr Annette Suann, Cr Peter Telford

**Against:** Cr Peter Edwards, Cr Bruce Haynes

**CARRIED 8/2**

**RESOLUTION 004/20**

**13.2 LEADERSHIP AND GOVERNANCE**

**13.2.1 LIST OF PAYMENTS 1 TO 31 DECEMBER 2019**

**File Number:** FIM/00108, D-20-01986  
**Author:** Edwin Kwan, Senior Finance Officer  
**Authoriser:** Liz Ledger, Chief Executive Officer  
**Attachments:** 1. List of Payments December 2019  
 2. NAB Purchase Card November 2019  
 3. NAB Purchase Card December 2019

**PURPOSE**

For Council to note the payments made in December 2019.

**BACKGROUND**

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

**DISCUSSION**

Attached is the list of all accounts paid totalling \$2,682,043.16 during the month of December 2019.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	2,105,611.64
• Municipal Fund vouchers (39619)	\$	16,295.50
• Municipal Fund direct debits	\$	553,480.45
• Trust Fund electronic funds transfer (EFT)	\$	6,655.57
• Trust Fund vouchers	\$	0.00

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

**PAST RESOLUTIONS**

Ordinary Council Meeting 17 December 2019, resolution 206/19:

*That Council notes all payments made for November 2019 totalling \$1,987,018.18 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	1,349,734.83
<i>Municipal Fund vouchers ()</i>	\$	0.00
<i>Municipal Fund direct debits</i>	\$	537,483.94
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	99,799.41
<i>Trust Fund vouchers</i>	\$	0.00

**FINANCIAL AND STAFF IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**POLICY AND STATUTORY IMPLICATIONS**

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

**COMMUNICATION / CONSULTATION**

Nil

**STRATEGIC IMPLICATIONS**

**Leadership and Governance**

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

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

**URGENCY**

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

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**RESOLUTION 005/20**

**Moved: Cr Bruce Haynes**

**Seconded: Cr Sara Franklyn**

**That Council notes all payments made by the Chief Executive Officer under Delegation DA9 for December 2019 totalling \$2,682,043.16, as detailed in Attachment 1 comprising:**

<b>\$2,105,611.64</b>	<b>Municipal Funds electronic funds transfers (EFT)</b>
<b>\$ 16,295.50</b>	<b>Municipal Funds vouchers (39619)</b>
<b>\$ 553,480.45</b>	<b>Municipal Funds direct debits</b>
<b>\$ 6,655.57</b>	<b>Trust Fund EFT</b>
<b>\$ 0.00</b>	<b>Trust Fund vouchers</b>

**CARRIED**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker reported his attendance at the Australia Day Citizenship ceremony was great.

Cr Suann reported her attendance at the Lunar new year festival and whilst she felt the number of visitors was down the new year is an important event to acknowledge and celebrate.

Cr Goetze agreed although numbers were disappointing the street looked fabulous and acknowledged it is hard to know the cause of less visitors and agreed it is important to continue with these events. Cr Goetze pleased to share the new Splashpad is very popular and pleasing to see so many children enjoying the space. Cr Goetze shared she has received positive feedback on the three bin system.

Cr Main reported her attendance at the Australia Day Citizenship ceremony pleased to see many people enjoying a moving ceremony.

Cr Haynes shared news of the passing of a previous Councillor, Geoff White, acknowledge his service to the Town and expressed his condolences to the family. Thank you to Cr White for his legacy being the reference of the troops who served at Borneo campaign acknowledged the wall memorial.

Cr Browne reported his attendance at the Australia Day Citizenship and thanked Cr Main and Cr Telford for their role assisting the Mayor host a wonderful ceremony.

Cr Browne raised concern of recent home burglaries and Police deciding to utilise clear CCTV to assist identifying those responsible. Cr Browne advised the matter has been raised in this forum as concern for the well being of our community is important.

Cr Franklyn shared positive feedback received on the Flourish magazine nothing residents advising they highly enjoyed the well presented feature. Well done to the Town for the publication.

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

Nil

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

Nil

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

Nil

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, Tuesday 18 February 2020 at 7.00pm.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 8.14PM.

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**CHAIRPERSON**