



# **TOWN OF CLAREMONT**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**TUESDAY 19 JULY, 2016**

**Stephen Goode**

**CHIEF EXECUTIVE OFFICER**

**Date:**

## **DISCLAIMER**

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

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**TOWN OF CLAREMONT**  
**ORDINARY COUNCIL MEETING**  
**19 JULY, 2016**  
**MINUTES**

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

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

**2 RECORD OF ATTENDANCE/APOLOGIES**

**ATTENDANCE**

**Mayor Barker**

**Cr Peter Browne**

**West Ward**

**Cr Karen Wood**

**West Ward**

**Cr Peter Edwards**

**West Ward**

**Cr Chris Mews**

**South Ward**

**Cr Bruce Haynes**

**East Ward**

**Cr Kate Main**

**East Ward**

**Cr Alastair Tulloch**

**East Ward**

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

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

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

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

**Ms Liz Ledger (Executive Manager People and Places)**

**Mr John Humphreys (Manager Planning)**

**Ms Katie Bovell (Governance Officer)**

**Fifteen members of the public**

**Two members of the press**

**APOLOGIES**

Cr Jill Goetze (Leave of Absence).

Cr Paul Kelly (Apology).

**3 DISCLOSURE OF INTERESTS**

NIL

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

NIL

**5 PUBLIC QUESTION TIME**

NIL

**6 PUBLIC STATEMENT TIME**

**Dr Alec O'Connell, Scotch College, Headmaster, 76 Shenton Road, Swanbourne.**

**Re: Item 13.1.1, Lot 400 (No. 31) Shenton Road, Swanbourne (entrance from Stirling Road) - Proposed Early Learning Centre for Scotch College and Traffic Management and Transport Plan**

Dr O'Connell spoke in favour of the officer's recommendation.

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Wood, seconded Cr Mews**

**That the minutes of the Ordinary Meeting of Council held on 5 July 2016 be confirmed.**

**CARRIED(110/16)  
(NO DISSENT)**

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

Item 17.1.1, Claremont Aquatic Centre - Principal Design Consultant.

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

NIL

## 12 REPORTS OF COMMITTEES

### 12.1 FORESHORE ADVISORY COMMITTEE

*Items 12.1.1 to 13.1.2, were carried en bloc.*

#### 12.1.1 ITEMS OF THE FORESHORE ADVISORY COMMITTEE MEETING 11 MAY 2016

**File Ref:** GOV00049  
**Responsible Officer:** Saba Kirupanather  
Executive Manager Infrastructure  
**Author:** Andrew Head  
Manager Parks and Environment  
**Proposed Meeting Date:** 19 July 2016

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#### **Purpose**

For Council to receive an update on items from the last Foreshore Committee Meeting on the 11 May 2016, and to endorse the recommendations made during the meeting.

#### **Background**

At the Foreshore committee meeting in 11 May 2016 a number of items were discussed and they include the following;  
WESROC Foreshore Management Plan

- River educational talks
- Clean Up Day March 2016
- Signage
- Information on conservation & flora and fauna protection
- Dog control/exercise areas.

#### **Discussion**

##### River educational talks

All four sessions occurred during last summer and attendance was low, however the subject matters were received well by the locals who did attend. Timing and promotion of event affected attendance numbers. In order to obtain a budget for promotion and planning we need to confirm subject matters by May. To get the events promoted in the 'Get into the Claremont Life' booklet we need to lock them in by November for them to run from January to June.

Items for 2016-17 talks could include the following;

- Dolphin Talk – The Department of Parks and Wildlife (DPaW) would be supportive of providing a speaker for this session as it is always a popular subject.
  - Aboriginal Stories – This could be a talk held by Whadjuk Traditional Owners. A fee payment would be required to lock in this talk. It would be a great way of introducing the WESROC foreshore management plan to the community.
-

- Birds of the River – We could request Birds Australia to conduct a foreshore bird walk one evening which would educate the community about the species found on the shore. This could be a good way of introducing the new jetty bird signage.

It is proposed these talks would be undertaken in February to allow the events to be correctly promoted as part of 'Get into the Claremont Life' program.

### Clean Up Day 2016

A letter was sent to all local residents to inform them of the river guardians program and the advantages to becoming a member. The Clean Up our Rivers event was successful and received publicity in the local paper through the Earthcarers program. A letter calling for volunteers for Clean Up Australia Day has been sent to local residents and Methodist Ladies' College/ Christ Church Grammar School. We are liaising with the Yacht Club to register a site in preparation for next year's event (Sunday 6 March 2017).

### Signage

An updated list of bird descriptions and species list has been developed in conjunction with a volunteer of Birds Australia. Concept image of the signs are attached to this agenda.

Ranger Services are currently advertising a new dog policy and once completed, they will review signage town wide. This will include any wildlife protection signage located at the foreshore.

### Information on conservation & flora and fauna protection

Awareness raising about the species of birds, fish and plants could be done through signage at the Jetty. Information could include species interaction or the importance of particular species in the environment. Further concept designs could be developed for signage to include the following species; Blue Manna Crab, Leafy Seadragon, Mulloway, Blowfish and Brown Stinger Jellyfish.

### Dog control/exercise area

Currently the foreshore from Chester Road car park to, and including, Alex Prior Park is off lead. The foreshore from Chester Road through to the Yacht Club including the Jetty, and Mrs Herberts Park are on lead areas. Signage has been reviewed by Ranger Services.

Fauna protection signs are being explored by our Ranger Services for installation during months of near shore bird activity, particularly Black Swans which can be inadvertently killed during play by dogs.

These signs will remind dog owners to keep dogs on lead in the areas west of Chester Road car park to assist with the protection of wildlife.

**Past Resolutions**

Foreshore Advisory Committee Meeting 11 May 2016:

*That the Committee*

1. *Support the removal of the item relating to the Jetty Steps, Erosion and Alex Prior Drain from the Action Arising Table*
2. *Acknowledge the planting of rushes in sections of the foreshore to thicken existing plantings between Alex Prior Park and Jetty Road*
3. *Support the development of the following talks on the following subjects for promotion in the Get Into Claremont Life booklet;*
  - a) *Dolphin Talk*
  - b) *Aboriginal Stories*
  - c) *Bird of the river walk*
4. *Recommend a budget allocation of \$5,000 to advertise, promote and provide light catering at all three events above.*
5. *Support the development of another sign to compliment the proposed Bird sign at the Jetty which will include Blue Manna Crab, Leafy Seadragon, Mulloway, Blowfish and Brown stinger jellyfish*

**CARRIED  
(NO DISSENT)**

Ordinary Council Meeting 2 June 2015, Resolution 95/15:

1. *Supports the progress of the WESROC Foreshore Adaptation Plan.*
2. *Requests administration to liaise with the Swan River Trust to create some educational materials and guided walk programs for the Foreshore and for a report to be submitted to the committee when program has been developed.*
3. *Requests for a report on Clean Up program for implementation in 2015-16 financial year.*
4. *Requests administration to ensure the jetty steps, the Alex Prior Drain and beach erosion be addressed in the Foreshore Adaptation Plan.*
5. *Requests the Foreshore Management Committee to reconsider its proposal about the management of dinghies having regard to Council decision (54/14 of 15 April 2014).*
6. *Requests administration to review on lead signage along foreshore and for administration to develop some designs for interpretive signage.*

**CARRIED  
(NO DISSENT)**

### **Financial and Staff Implications**

A budget allocation of \$5,000 is needed to undertake sufficient advertising, promotion and catering as part of the 'Get into the Claremont Life' program.

The Town could use some of the remaining budget (currently approximately \$36,000) allocated from the Foreshore Management Plan funding allocated this financial year.

### **Policy and Statutory Implications**

*Aboriginal Heritage Act 1972.*

*Litter Act 1972.*

### **Communication / Consultation**

Town Talk.

Letter Drops.

Website.

### **Strategic Community Plan**

#### **Liveability**

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

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

#### **People**

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

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

## Environment

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

- Strive for innovative environmental design practices in new developments and redevelopments.
- Provide education and communication on leading practices to the community.
- Implement sound environmental practices as reflected in the WESROC Climate Change Risk Assessment Project.

## Governance and Leadership

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

- Focus on improved customer service, communication and consultation.
- Maintain long term financial stability and growth.
- Provide responsive and responsible leadership.

## Urgency

Medium – To ensure enough time is given to organise and book speakers, function room and promote in the Get into the Claremont Life booklet

## Voting Requirements

Simple majority decision of Council required.

## Moved Cr Browne, seconded Cr Mews

### That Council

1. **Endorse the development of educational talks on the following subjects for promotion in the 'Get Into Claremont Life' booklet:**
  - a) **Dolphin Talk;**
  - b) **Aboriginal Stories; and**
  - c) **Bird of the River Walk.**
2. **Approve the development of another sign to compliment the proposed bird sign at the Jetty which will include Blue Manna Crab, Leafy Seadragon, Mulloway, Blowfish and Brown Stinger Jellyfish.**

**CARRIED(111/16)  
(NO DISSENT)**

**12.1.2 DRAFT WESROC FORESHORE MANAGEMENT PLAN**

<b>File Ref:</b>	<b>GOV00049</b>
<b>Attachments:</b>	<a href="#">WESROC FMP Report to Appendix B</a> <a href="#">WESROC FMP ToC Appendix E</a> <a href="#">WESROC FMP Summary Report for Town of Claremont</a>
<b>Responsible Officer:</b>	<b>Saba Kirupanather</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Andrew Head</b> <b>Manager Parks and Environment</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>

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**Purpose**

To provide an update to Council on the WESROC Foreshore Management Plan and to seek approval of the final plan.

**Background**

At its meeting on 11 March 2014 the WESROC Executive authorised the WESROC officer to prepare the Swan River Trust (SRT) Riverbank Grants Scheme application for submittal in April 2014 and commit funding (subject to the grant being successful) in the WESROC 2014-15 budget for the development of a regional foreshore management plan)

WESROC applied for and was successful in obtaining \$40,000 from the 2014-15 Riverbank Funding Program administered by the Swan River Trust (now Department of Parks and Wildlife, Rivers and Estuaries Division) in August 2014.

At its September 2014 WESROC meeting, the Executive approved a budget allocation of \$40,000 to match the above mentioned funding.

At its December 2014 WESROC meeting, the Executive authorised the City of Nedlands to appoint Seashore Engineering to undertake the study and develop a Foreshore Management Plan for the Swan River estuary in the western suburbs of Perth.

The appointed consultant provided a final draft to WESROC in March 2016; this was sent to Department of Parks and Wildlife, Rivers and Estuaries Division for final review.

In June 2016, the Town received the final draft of the Foreshore Management Plan. Attached are the sections specific to the Town of Claremont which include all issues highlighted for addressing by the community, Committee, Council and Administration.

**Discussion**

Sections of the plan address the Swan River context, vulnerability assessment methods, considerations for foreshore management and adaptation, issues relevant

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to State Government management, foreshore management and adaptation sequence plans by other Local Government Authorities (LGAs) and an appendix specific to the Town of Claremont which is attached.

Attached is a summary report and sections of the plan relating to Town of Claremont foreshore. The summary section highlights some issues with recommendations which include such things as the need for legal clarification and work which should be undertaken regionally to have greater impact. These include the following items;

#### Interactions with private ownership

*Legal clarification should be sought by WESROC on the relative obligations of LGAs for foreshores with interactions with private ownership and their capacity to obtain funding to support protective efforts (such as a special area levy).*

#### Officer Comment

Town of Claremont will need to determine a longer term strategy for the protection of private property. Is it the responsibility of the Town or individual private land owners to protect the private property? What implication does this have for public foreshore access and the financial burden in the longer term?

#### Resumption of privately-owned foreshore

*WESROC should liaise with LGAs along the Swan and Canning Rivers and WALGA to collectively approach the Minister for Planning and the WAPC to review this policy approach of land resumption along narrow or eroding foreshores in the context of potential ongoing costs for the City of Nedlands, Town of Claremont, Town of Mosman Park, Parks and Wildlife and the WAPC.*

#### Officer Comment

Town of Claremont do not currently accept vesting of resumed land from State Government west of the yacht club due to the lack of access for maintenance and extreme terrain.

#### Material disposal costs

*WESROC should liaise with the Department of Environmental Regulation (DER) regarding methods to reduce the costs of disposal of existing foreshore treatments previously undertaken by State Government departments. This could include a special exemption for the landfill levy and an appropriate strategy for reducing costs associated with identification, testing and disposal.*

#### Officer Comment

This item relates to the disposal costs with removal of failed river walls and contaminated soils. The Town sees this as a low priority due to the absence of public river walls within the Town of Claremont.

#### Availability of sand for renourishment

*Parks and Wildlife and Department of Water should pursue a further study to determine how river pools on the Avon River could be a viable source of renourishment material for the beaches on the Swan-Canning River System. The study should outline funding arrangements, including Local Government*

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*contributions, and resolve the potential conflict for the sand with the construction industry.*

#### Officer Comment

Claremont has the fortunate situation of having a closed system (erosion of cliff areas creates sediments that accrete/deposit further east/upstream) where sand can be harvested from near the yacht club for renourishment near Chester and Jetty Roads.

#### Strategic funding allocations

*Collaborative agreements should be sought by the Department of Parks and Wildlife for large areas of walling works to provide greater flexibility in establishing project timelines than an annual grant scheme.*

#### Officer Comment

This item relates to the replacement of failed river walls as a regional project to make savings through economies of scale. The Town sees this as a low priority as the Town has no public river walls.

#### Whadjuk Heritage

*This WESROC FMP is a strategic document. Any works by individual councils will follow the consultation process under the Aboriginal Heritage Act 1972. A strategic overview was presented to the Whadjuk Native Title Group for their guidance on 18 August 2015.*

*During this meeting a number of items were raised with regard to reducing the overall impact of works on the foreshore across the broader river system. At present, there are a number of guidelines to minimise impacts on a Site, including restricting excavation of the riverbed to 600mm. It may be worth discussing some overall principles with the Whadjuk Regional Corporation to obtain their input to other aspects of river management, which may assist with decision-making for WESROC councils.*

#### Officer Comment

All detailed plans for specific projects will require approval by the Department of Indigenous Affairs prior to implementation. A set of detailed drawings could be developed to be approved as a suite of projects to gain approval all at one time for staged implementation, doing so may reduce cost and barriers for programming works

The information presented in the plan is at a contextual level and should not be taken as a detailed design. Suggested interventions and works should be revisited if:

- New large recreational infrastructure is installed;
- A significant change in foreshore use occurs;
- There is a significant change of environmental conditions; or
- New technology is available which can improve project efficiencies.

Also included is a five year implementation table of works for both maintenance and capital works (projects) including indicative costs, medium and longer term works are also included, below is a breakdown of short, medium and longer term strategies used to inform the implementation tables.

Segment	Short-term (risk management)	Medium-term (planning) for 5-25 years	Long-term (strategy) for >25 years	25-year cost. Not indexed (2015 costs)
SRClA01 Mrs Herberts Park	Improve resilience for interannual variations in MSL and winds.	Improve resilience for scenario of increased mean sea level and variability, by promoting sand to transfer onshore.	Progressive retreat to allow for mean sea level increase.	≈\$350k Further \$150k for car park and revetment landward migration.
SRClA02 Jetty Rd	Improve resilience for existing MSL/wind variance, and increased recreation.	Extend existing foreshore use for as long as possible.	Improve resilience of the foreshore to increased mean sea level through modifying structures, raising foreshore levels, renourishment and some retreat	≈\$240k. Further \$150k to construct groyne, raise foreshore level and one external renourishment campaign.
SRClA03 Bethesda Hospital	Allow lower foreshore to erode to provide a source of sediment, while managing trampling.	Allow lower foreshore to erode to provide a source of sediment and ensure private property owners do not transfer erosion stress without compensation.	Encourage managed retreat, or adaptation, for the lower foreshore for some private property owners.	Depends on the agreements established with private property owners and leaseholders. In-kind and lawyer costs required to establish responsibilities.

## Past Resolutions

Foreshore Advisory Committee Meeting 24 February 2016:

*That the Committee:*

1. *Notes the progress of the WESROC Foreshore Management Plan and supports the direction of the regional actions*

Ordinary Council Meeting 2 June 2015, Resolution 95/15:

*That Council;*

1. *Supports the progress of the WESROC Foreshore Adaptation Plan.*
2. *Requests administration to liaise with the Swan River Trust to create some educational materials and guided walk programs for the Foreshore and for a report to be submitted to the committee when program has been developed.*

3. *Requests for a report on Clean Up program for implementation in 2015-16 financial year.*
4. *Requests administration to ensure the jetty steps, the Alex Prior Drain and beach erosion be addressed in the Foreshore Adaptation Plan.*
5. *Requests the Foreshore Management Committee to reconsider its proposal about the management of dinghies having regard to Council decision (54/14 of 15 April 2014).*
6. *Requests administration to review on lead signage along foreshore and for administration to develop some designs for interpretive signage.*

**CARRIED**  
**NO DISSENT**

### **Financial and Staff Implications**

Consideration should be given to currently approved funding which could be used for further plan development, current available budget for Foreshore Stage 1 management plan is \$41,515.

Over the next five years projects identified include;

- Modifying car park revetment \$15,000
- Creating small drain off car park \$3,000
- Education program regarding sea wrack accumulation \$5,000.

Chester Road car park has also been identified as an item of interest in the medium to longer term in relation to smoothing shoreline and changing drainage to minimise future environmental problems associated with existing layout. This project would require significant consultation and the project would likely cost in the order of \$120,000 to implement. A budget allocation has been approved for this project.

Proactive development of detailed area plans for the intended works would assist with the public consultation process. Detailed plans could be developed for the following items;

Chester Road car park modifications

- Sand accretion and erosion management
- Alex Prior drain options.

The above designs could be finalised and approved by Council, followed by community consultation to ensure funding is made available for the implementation of the projects.

The development of the above mentioned plans would be in the order of the \$5,000 per project and could be funded from the existing foreshore budget.

### **Policy and Statutory Implications**

*Water Act 2007.*

*Aboriginal Heritage Act 1972, Section 18.*

*Swan and Canning Rivers Management Act 2006.*

## **Communication / Consultation**

Town Talk, Local Paper.

## **Strategic Community Plan**

### **Liveability**

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- Develop the public realm as gathering spaces for participation and enjoyment.
- Maintain and upgrade infrastructure for seamless day to day usage.
- Provide a responsible and well managed urban environment, with sustainable development outcomes.

### **People**

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- Create opportunities for and access to social participation and inclusion in support of community health and well being.

### **Environment**

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- Strive for innovative environmental design practices in new developments and redevelopments.
- Provide education and communication on leading practices to the community.
- Implement sound environmental practices as reflected in the WESROC Climate Change Risk Assessment Project.

### **Governance and Leadership**

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

- Identify strategic partnerships that align with the Town's vision.
-

- Provide and maintain a high standard of governance, accountability, management and strategic planning.
- Focus on improved customer service, communication and consultation.
- Maintain long term financial stability and growth.
- Provide responsive and responsible leadership.

**Urgency**

Medium – lock in funding for future detailed plans.

**Voting Requirements**

Simple majority decision of Council required.

**Moved Cr Browne, seconded Cr Mews****That Council approves;**

1. The WESROC Foreshore Management Plan Report.
2. The section Appendix E, relating to Town of Claremont.
3. The use of remaining budgets being for Foreshore Stage 1 Management Plan and River Foreshore Erosion control, to be used for the development of detailed plans for;
  - a) Chester Road car park modification design.
  - b) Alex Prior drain outfall.
  - c) Sand accretion and erosion management.

**CARRIED(111/16)  
(NO DISSENT)**

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## 13 REPORTS OF THE CEO

### 13.1 PLANNING AND DEVELOPMENT

#### 13.1.1 LOT 400 (NO. 31) SHENTON ROAD, SWANBOURNE (ENTRANCE FROM STIRLING ROAD) - PROPOSED EARLY LEARNING CENTRE FOR SCOTCH COLLEGE AND TRAFFIC MANAGEMENT AND TRANSPORT PLAN

<b>File Ref:</b>	<b>A-3449/DA2015.00067</b>
<b>Attachments – Public</b>	<a href="#">Location and Submission Plan Plans</a> <a href="#">Photograph</a> <a href="#">Submission Schedule</a> <a href="#">Traffic Management and Transport Plan (Rev. T)</a>
<b>Attachments – Restricted</b>	<a href="#">Submissions</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>
<b>Date Prepared:</b>	<b>12 July 2016</b>
<b>60 Days Due Date:</b>	<b>N/A</b>
<b>Property Owner:</b>	<b>Scotch College</b>
<b>Submitted By:</b>	<b>Taylor Robinson and Porter Consulting Engineers</b>
<b>Lot No.:</b>	<b>400</b>
<b>Area of Lot:</b>	<b>79,962m<sup>2</sup></b>
<b>Zoning:</b>	<b>Educational</b>
<b>Financial Implications:</b>	<b>Nil</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b><i>Town Planning Scheme No. 3 (TPS3)</i></b>

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#### Summary

- Application for planning approval for an 'Early Learning Centre' (ELC) at Scotch College involving removal of the existing uniform shop on Stirling Road was determined by Council on 4 August 2015.
  - Approval allowed for an additional 44 students and six staff, comprising of two full-time teachers and four part-time assistants subject to a number of conditions which specifically addressed student and staff numbers at the school and to manage traffic associated with the ELC, specifically with regard to Stirling Road north of Shenton Road.
-

- Scotch College subsequently sought a review of the Council imposed conditions at the State Administrative Tribunal (SAT).
- Mediation discussions at the SAT and further discussions between the Town and Scotch in 2015 resulted in a number of changes to the development plans and also in principle agreement to a set of revised conditions which address concerns raised.
- Integral to resolving this matter at the SAT was the finalisation and advertising for public comment of the proposed Traffic Management and Transport Plan (TMTP) for the College which has been prepared over a period of four years since the Metropolitan West Joint Development Assessment Panel (JDAP) approval of extensions to the Middle School in 2012.
- Revision R of the TMTP was widely consulted with 432 property owners and residents of the locality by the College on 22 February 2016 and closed on 14 March. On 20 June, an administrative anomaly was observed in the preparation of the initial consultation list and a further 140 letters were sent to owners and occupiers providing opportunity to submit comments by 5 July 2015 as part of a secondary round of consultation.
- A total of 44 submissions were received (four of which consisted of multiple submissions from respondents) from the two rounds of consultation.
- Concerns were raised with regard to proposals for road widening and parking access in Bellevue Terrace, widening of Saunders Street, parking in Garden Street, pedestrian, cyclist and vehicle safety/speed relative to the recently constructed parking embayments in Wright Avenue (south of Saunders Street), closure/partial closure of Garden Street, review of intersection designs at Claremont Crescent and Stirling Road, Shenton Road and Devon Road (including the intersection with Saladin Street), and Shenton Road and Gugerri Street (south), the spread of parking through local streets since closure of the Shenton Road drop-off and pick-up lane, parking issues generally, parent behaviour during pick-up and drop-off periods and cycle paths in general. Concern was also raised over the accuracy and suitability of the TMTP to meet its specified requirements, given factual errors, poor use of grammar, incorrect information and flawed conclusions
- This report examines the submissions raised and addresses these in the latest version of the TMTP (Rev. T).
- The report also makes recommendations for revised conditions to the ELT approval review at the SAT and recommends separate actions by the Town's Engineering and Ranger Services to address concerns raised.
- The current site plan for the ELC submitted by the applicant, also included as Appendix G of the TMTP, addresses the concerns raised during both the SAT review process and consideration of the TMTP.
- Application for review of the ELC is recommended for conditional approval, subject to relevant conditions inclusive of limitations on the non-boarder student population to maximum 1623 students and 190 full-time staff, re-opening of the Kott Terrace extension during peak afternoon periods and during special events, provision of an audit and review period and subsequent mechanisms to further reduce the traffic impacts of parking associated with the College and ELC if required.

## Purpose

For Council to determine revised conditions for the proposed ELC at Scotch College and adoption of the TMTP (Rev. S) for the College.

The application requires the Council's determination due to the previous Council decisions and current SAT review of the conditions relating to the proposed ELC.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
19 May 2015	Planning application for the ELC received by Town.
20 May 2015	Application undergoes internal DCU assessment.
21 May 2015	Additional information requested from applicant.
22 May 2015	Advertising commenced.
25 May 2015	Additional information received from applicant.
6 June 2015	Advertising closed.
15 June 2015	Secondary advertising letters sent.
29 June 2015	Secondary advertising closed.
24 July 2015	Revised plan and Traffic Management and Transport Plan submitted.
4 August 2015	Council resolved to approve the ELC subject to conditions.
25 August 2015	Application for SAT review of ELC approval conditions lodged.
1 October 2015	First mediation session at the SAT.
10 November 2015	Second mediation session at the SAT.
21 December 2015	Meeting between the Town and Scotch College identifies reopening of Kott Terrace extension in the afternoon peak period to address concern over traffic build-up in Stirling Road and other related matters to progress the finalisation of the draft TMTP.
19 February 2016	Porters Consulting Engineers finalise TMTP (Rev. R) for consultation.
22 February 2016	Scotch College initially advertises TMTP (Rev. R) to 432 land owners and residents.
14 March 2016	Initial consultation period for TMTP concludes.
20 June 2016	Consultation anomalies observed.
21 June 2016	The Town advertises TMTP (Rev. R) to an additional 140 land owners and residents as part of a secondary round of consultation.
5 July 2016	Secondary round of consultation concludes.
12 July 2016	Report to Council finalised and Porters Consulting Engineers finalise TMTP (Rev. T) to address concerns raised in public submissions.

## Past Resolutions

The following relevant items have been considered by Council:

Council Meeting Date	Planning Application received by Council.
7 February 2012	Middle School Redevelopment JDAP report.
3 July 2012	Revised Middle School JDAP report.
17 December 2013	Upgrade to Stirling Road Drop-off Area 2.
17 December 2013	Car park and access for Medical Centre.
17 December 2013	Upgrade to Fern Street car park and bus park.
17 December 2013	Temporary car park off Stirling Road.
17 December 2013	New car park and school Bus Pick-up and Claremont Crescent Drop-off area.
4 August 2015	ELC approved by Council

Two approvals for the Middle School development were approved by the Joint Metropolitan Development Assessment Panel (JDAP) in 2012 following referral to Council for consideration and recommendation. The second (revised) approval required the preparation of a Traffic Management and Transport Plan (TMTP) in accordance with the following condition:

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

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

On 4 August 2015 (139/15) Council approved the development of the ELC subject to the following conditions:

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

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*implementation prior to any further development works being undertaken at the school and in any case no later than 1 October 2016;*

6. *Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Wright Avenue which will create additional parking and drop-off areas for the School, alleviating traffic in Stirling Road;*
  7. *Scotch College is to enter into an Agreement with the Town of Claremont to pay for the proposed upgrades to Stirling Road car park which will create additional parking areas for the school at the same time as improving access to the Lake Claremont playground;*
  8. *Approval of the construction of the additional parking bays and egress into Stirling Road is conditional upon the applicant entering into a Legal Agreement with the Town of Claremont for reciprocal access over the adjacent car parking area and drop-off bays. The Agreement is to be registered as an easement in gross on the Certificate of Title with the agreement being prepared by Council's solicitors at the applicant's cost prior to the issue of a Building Permit;*
  9. *The College appoint parking wardens to manage the Stirling Road pick-up and drop-off area to ensure efficient and proper operation and the wardens be in place on Monday to Friday (excluding public and school holidays) during the following times:*  
*Mornings - 7:45am to 9:00am*  
*Afternoons - 2:15pm to 3:30pm;*
  10. *The extended drop off area at the end of Stirling Road is to be re-designed to allow overflow parking onto the Scotch playing fields during major events;*
  11. *The Early Learning Centre car park is to be modified to provide for two additional car parking bays together with a turn-around bay and reversing area without impact on existing vegetation at the front of the property and removal of the direct exit and crossover onto Stirling Road to the satisfaction of the Town of Claremont.*
  12. *All car parking areas are to be constructed and maintained to the satisfaction of the Town of Claremont;*
  13. *The former east-west Kott Terrace internal access road be re-opened, prior to the opening of the Early Learning Centre, to provide for additional queuing space and drop-off bays north of the Library and Junior School;*
  14. *The former Shenton Road drop-off area be re-opened for drop-off and collection of students, prior to the opening of the Early Learning Centre. The operation of the drop-off area is to be managed by College appointed wardens on school days, during the hours of 7:45am to 9.00am and 2.15pm to 3.30pm, to ensure efficient operations and minimal disruption of traffic flow in Shenton Road to the satisfaction of the Town of Claremont. The drop-off area may only be used for bus bays outside of normal school drop-off and collection times;*
  15. *All car parking areas are to be constructed to meet Australian Standards 2890.1: 2004 'Off Street Car Parking Facilities';*
  16. *Landscaping as shown on the approved plans is to be installed and maintained to a high standard to the satisfaction of the Town of Claremont;*
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17. *All stormwater is to be contained on site. Details are to be provided on the application for a Building Permit; and*
  18. *This approval is valid only if the development is substantially commenced within 24 months of the date of approval.*

**ADVICE NOTES:**

- a) *Scotch College is advised that continued expansion of the school is dependent on ongoing implementation of the Traffic Management and Transport Plan for the school and approval by the Council. Since the approval of the middle school redevelopment in 2013 substantial improvements to traffic flow and parking have been achieved however outstanding issues including but not limited to those clauses detailed within this report that require further attention;*
  - b) *In regards to Conditions 12 and 15, car park and crossover designs are to be submitted to and approved by the Town's Engineering Services prior to construction;*
  - c) *This is a Planning Approval only and a Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission;*
  - d) *As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for disabled Access AS1428;*
  - e) *The applicant/owner is advised of the following health requirements from the Town's Health Services. For further information please contact the Town's Health Services on 9285 4300:*
    - (i) *Under the Environmental Protection (Noise) Regulations 1997 no construction work is to be permitted or suffered to be carried out:*
      - (a) *Before 7.00am or after 7.00pm Monday to Saturday inclusive; or*
      - (b) *On a Sunday or on a public holiday.*
    - (ii) *The building is required to be registered as a public building under the Health (Public Buildings) Regulations 1992 prior to occupation;*
    - (iii) *Premises may be deemed to be a vulnerable persons facility, requiring a Fire Safety Plan to be submitted prior to issue of a Building Permit;*
    - (iv) *The building is required to comply with the Health (Public Building) Regulations 1992 including maximum occupancy which is to be determined with regard to floor space, emergency exits and toilet facilities;*
    - (v) *Food related facilities are to comply with the Food Act 2008 and the food business is to be registered with the Town of Claremont's Health Services;*

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

*Fit out plans of the kitchen and food preparation areas, floor plan and elevations, showing equipment and schedule of finishes must be submitted to and approved by the Town's Health Services prior to the issue of a Building Permit and the fit-out inspected prior to commencement of operation; and*
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- f) *If the Applicant is aggrieved by this determination, a right of review may exist under the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) within 28 days of this determination.*

## **Heritage**

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

## **Consultation**

The original application for the ELC was advertised in accordance with Local Planning Policy LG525. The owners and occupants of 19 adjacent properties were consulted and 12 objections were received. The objections raised the following concerns:

1. Existing traffic congestion on Stirling Road (north) - the main concern with traffic relates to cars queuing in the street waiting to access the four drop-off bays at the end of Stirling Road. There are delays for cars existing Stirling Road north at the roundabout. The impact will need to be monitored to ensure that the total number of cars entering and exiting this street does not cause a problem.
2. Shenton Road roundabout being blocked at peak times - concerns relate to cars queuing in Stirling Road. If more than 20 cars are waiting to enter the drop-off area, queuing into the roundabout results.
3. Recent worsening of traffic issues - closure of the approved Shenton Road drop-off area has resulted in additional traffic flow in Stirling Road.
4. Desire for a new entrance off Shenton Road to alleviate Stirling Road traffic (e.g. 1999 Masterplan) by providing an alternative access point.
5. School buses using Stirling Road contribute to traffic congestion.
6. Investigation of other locations for ELC.
7. Lack of concern shown for residents.
8. Preservation of trees to screen parking area from Stirling Road.

Council's resolution of 4 August 2015 addressed these concerns and applied conditions in an attempt to regulate not only the ELC, but also the remainder of the College in terms of student and staff numbers and also mitigate traffic and parking impacts associated with the College in the locality.

The initial round of public consultation of the TMTP was the responsibility of the College in accordance with the condition relating to this matter applied to the JDAP approval of the Middle School in 2012. The College consulted with 432 land owners and residents in February 2016, with the submission period closing on 14 March. On 20 June, an administrative anomaly was observed in the preparation of the initial consultation list and a further 140 letters were sent to owners and occupiers providing opportunity to submit comments by 5 July 2015 as part of a secondary round of consultation.

A total of 44 submissions (including four multiple submissions) were received. These submissions are summarised in the attached Submission Schedule (detailed copies of submissions are contained in the Restricted Attachments).

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Significantly, no objections were raised with regard to revised access and parking proposals for the ELC which included re-opening of the Kott Terrace extension west of the proposed ELC to act as a peak afternoon pick-up area and as supplementary parking for sports (and other major College) events, provision of an exit from the ELC parking area directly out onto Stirling Road, provision of an additional 12 staff parking bays to the north of the Stirling Road drop-off and pick-up area, allocation 47 bays to the north, west and south of the ELC for ELC parking and removal of previous proposals for the addition of 13 new car bays in the Lake Claremont parking area located in Stirling Road.

The main issues raised during the initial TMTP consultation period are detailed as follows:

1. Concern over proposals to widen Garden Street, Bellevue Terrace and Saunders Street to provide for additional street parking bays. The concerns were wide ranging relative to traffic, pedestrian and cyclist safety, together with resident access, parking and streetscape amenity.
2. The safety of intersections of Wright Avenue with Bellevue Terrace, Garden Street and Devon Road (including closure or modifications), Devon Road and Shenton Road (associated with the adjacent intersection with Saladin Street), Claremont Crescent and Stirling Road, and Claremont Crescent with the railway bridge adjacent to the Swanbourne shops.
3. Providing a turn-around area or access point to the boarding house parking area off Bellevue Terrace with regard to traffic (particularly concerning the intersections with Wright Avenue and also within Bellevue Terrace), pedestrian and cyclist safety, together with resident access, parking and amenity.
4. Concerns over the safety of the recently constructed parking embayments and carriageway improvements to Wright Avenue (south of Saunders Street) with regard to traffic speed during and outside school hours, and pedestrian and cyclist safety. Numerous submissions called for this section of road to be added to the School Zone speed restriction area and for existing traffic hazards to be reviewed.
4. Parking concerns generally relative to parent driving and parking behaviour and attitudes, safety of parking practices, sharing of resident and College related parking throughout the locality and concern that the College should be accommodating all of its parking on campus, together with possible parking restrictions to be applied Bellevue Terrace, Saunders Street, Garden Street and Shenton Road.
5. Comments on encouraging use of alternative modes of traffic and improvements to the pedestrian and cycle network and facilities.
6. Concern over the quality and credibility of the TMTP with regard to meeting Council's and technical requirements, comments and observations, grammar and legislative references and resultant recommendations, modern day and aspirational standards to genuinely address community concerns.

7. Concern over the commitment of the College to make concerted efforts to effect a modal-shift and reduce the volume of traffic to the school, satisfaction of parking and addressing the impacts of the College's operation in the locality.

## **Discussion**

### Response to Submissions on the TMTP

Detailed responses are provided to each submission in the Submission Schedule. In summary the responses indicate the following:

Bellevue Terrace proposals – Following the significant concerns raised in relation to proposals to widen Bellevue Terrace (east of Wright Avenue) and provision of a turn-around at the end of the street/access to the boarding house parking area, the College withdrew the proposals. The street parking bays (20) west of Wright Avenue have also been removed due to concerns over the carriageway width. The impact of this in terms of parking provision is addressed below in the parking assessment.

Saunders Street proposals – Following the significant concerns raised in relation to proposals to widen Saunders Street (east of Wright Avenue) the College withdrew the proposal.

Improvements to Wright Avenue – Issues raised with regard to the design of street embayments and the carriageways in the southern end of Wright Avenue are matters under the control/influence of the Town of Claremont and beyond the scope of the TMTP. It is however recommended that the Town's Engineering Services review the parking and carriageway design in the section of Wright Avenue adjacent the recently constructed parking embayments south of Saunders Street to examine options to improve both vehicle and pedestrian/cyclist safety. Design options are to include consideration of proposals for the installation of speed humps at the ends of the parking embayments, removal of the southern nib and tree and straightening of the western north-bound lane, and proposals to improve and pronounce pedestrian/cyclist movement through the area. It also recommended that the Town seek Main Roads Western Australia (MRWA) approval to extend the School Zone 40km/h speed restriction area in Wright Avenue south of Saunders Street (and also in Stirling Road north of Shenton Road).

Garden Street proposals – Issues raised with regard to removal of parking bays have been addressed by a review of the width dimensions of Garden Street and removal of recommendations to restrict parking. Calls for the closure/partial closure of Garden Street and Devon Road (and possible reconsideration of the re-subdivision and sale of portions of Lots 50 and 125) should be reinvestigated and reported back to Council for consideration prior to public consultation.

Review of other intersection designs – Claremont Crescent and Stirling Road (option for a round-about), Devon Road and Shenton Road (including intersection with Saladin Street), and Shenton Road and Guger Street (south – traffic lights) intersection designs and options for improved traffic safety and movement are recommended for further investigation and review by Engineering Services prior to referral to Council for consideration and public consultation.

Parking concerns – The parking requirements proposed to be applied to the ELC and College as a whole reflect the Road Safety Around Schools (RSAS) standards which are the higher standards that apply generically through the State. Although the specific parking requirement of 364 bays is accommodated on campus, these

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standards do not stipulate that all parking and drop-off/pick-up be accommodated on school grounds and it is widely accepted that a degree of parking be provided within the surrounding road network for both private and public schools. In this context, 50% of the street parking (revised to 74 bays out of the 148 street bays) as identified in the TMTP (Rev. T, reviewed by the Town) is reasonable to be accommodated within the surrounding road network as additional parking bays for the College.

The safe operation and dispersal of parking for the College and surrounding streets are key considerations of the TMTP. The spread of the parking and drop-off/pick-up areas through the campus and surrounding streets reduces the impact on any one street or location. Significantly, the closure of the former Shenton Road drop-off/pick-up area has reduced the traffic focus on this section of Shenton Road to allow it to function more efficiently as a through road. Also, modifications proposed in Stirling Road for the extension of the former Kott Terrace extension will provide for the reinstatement of the drop-off and pick-up facilities and queuing area on site, rather than on Stirling Road (and extending down to and blocking the intersection with Shenton Road as has been experienced in recent times). While parking on the sporting fields is not proposed as a permanent solution to parking provision as it would result in a deterioration of the grass surface, overflow parking is to be provided for a further 50 bays on the sporting fields for peak occasions.

Parking in the streets around the College is a Council consideration taking into account a number of matters inclusive of convenience, safety; asset management and consultation with landowners. These matters will be considered as part of the proposed Parking Precinct Plan for the locality, which will be subject of extensive consultation.

In addition to proposals addressing traffic and pedestrian/cyclist safety in Wright Avenue, it is noted that the Town is presently constructing safety rails, a refuge island and realigning the pedestrian path/crossing arrangements at the intersection of Claremont Crescent and Stirling Road. Traffic management at the intersection of Claremont Crescent and Stirling Road is the subject of continual monitoring and review and has also been the subject of an application for Federal Black-Spot funding to construct a round-about to improve traffic flow. This application was not approved, however the Town is now liaising with the Department of Planning to use the land previously acquired for road widening for the purpose of constructing a left turn slip lane to improve traffic flow at the intersection. It is possible that the Town and Main Roads WA could review the proposed round-about at this location and fund these works as a separate budget item. It is recommended that Engineering Services review options for the intersection and report these back for Council consideration.

Alternative modes of Traffic – Public transport options are included in the TMTP. These include proposals for a south of the river bus service and confirmation of the College's commitment to partake in any established Cat Service for local schools promoted by the Town. The College is also presently trialling a walking school bus initiative from the golf course. Such initiatives are now included in the revised TMTP. The College has also committed to working with the Town in its forthcoming review of the Bike Plan and is to engage in education programs for parents and students relative to both courteous and safe parking in and around the school and also use of alternative modes of transport.

### Modifications to the TMTP

The preparation of the TMTP has taken a number of years and input by the College, various consultants and the Town's officers (together with Elected Members of the Council) to achieve significant improvements to the Plan which address concerns which have been raised in a number of planning applications, inclusive of the ELC and SAT review of condition applied by Council in August 2015. The intent of the consultation is to provide greater transparency and establish shortfalls in the TMTP in order to adopt a final TMTP to address the Town's (and community's) expectations on traffic management and parking in and surrounding the College for the foreseeable future. Significantly, the TMTP recognises realistic forecasts for growth in students and staff at the College and uses this information to inform the application of a revised growth restriction condition on a revised approval (with the agreement of the College).

On review of the submissions by the College and on direction of the Town's officers, the following changes have been made to the latest revision dated 12 July 2016 (Rev. T) to address the concerns raised:

- P.5 – Table 1 – Claremont Crescent and Australind Street changed from Access Road to Access Street to correctly acknowledge Liveable Neighbourhood road hierarchy classifications.
- P.6 - Table 2 – Australind Street, Central Avenue and Wright Avenue changed from Access Streets to Access Roads to correctly acknowledge MRWA road hierarchy of adjacent (nearby) roads in the locality
- P.6 – Table 3 - Wright Avenue changed to refer to a "Single carriageways with median island" south of Saunders Street rather than single carriageway.
- P.9 - Last paragraph on Bellevue Terrace pick-up etc, expanded to indicate that these proposals for widening and access to the school/turn-around have been removed as an option by the College.
- P.10 - Section added on Wright Avenue in the same manner as sections on other streets. This section addresses the recently constructed embayments south of Saunders Street, references that these bays serve a dual role for resident and school drop-off / pick-up, and briefly comments on proposals for parking around the tennis courts in Wright Avenue, Garden Street and Fern Street to accommodate the 50 bays.
- P.10 - Section added on Saunders Street indicating that the previous proposal for widening is no longer proposed and will allow parking – if supported under the Parking Precinct Plan in consultation between the residents and the Town.
- P.10 - Section 2.7 on Road Speed Zones modified to add comment about supporting any proposal by the Town to apply to Main Roads Western Australia (MRWA) for extension of the School Zone speed restriction area to Wright Avenue and Stirling Road.
- P.10/11 - Section 2.8 on Pedestrian and Cycle Movements modified to add comment on the trialling of the walking school bus initiative from the golf course, reference the recommendations from the Shawmac report being implemented and details provided on improvements to bike storage facilities at the College. Also, comments added on confirming that the College actively encourages alternative modes of students getting to school.

- P.18 - ELC - Comment added on opening of Kott Terrace extension in afternoon peak and during sporting events to assist in reducing congestion in Stirling Road. A proposed condition for the ELC extends the opening period of the Kott Terrace extension to include other peak events held at the College.
- P.20 - Motorist Behaviour section modified to add comment on the College's commitment to encourage courteous and safe driver behaviour in local streets.
- P.23 - On-Street Parking section modified to correctly reference *WA Road Traffic Code 2000* Regulation 176 requirements and also reference the Town's preparation of a Parking Precinct Plan for the locality. This plan will identify which streets are to contain parking embayments, mix ratios of College and resident parking, specific student parking areas and the possibility of student parking permits around the tennis courts in Fern Street, Wright Avenue and Garden Street.
- P.23/24- Table 14 and introduction modified to remove all "recommendations" on parking in the local streets and converting these comments to "PCE observations" which present options including on-street parking in accordance with the regulations and identifying where the road width does not meet minimum standards to allow on-street parking – i.e. – Saunders Street – west of Wright Avenue, Garden Street east of Wright Avenue, Wright Avenue North of Saunders Street and Bellevue Terrace both sides of Wright Avenue; all surrounding street are added to the table; Shenton Road and Stirling Street – parking permitted as dedicated by Council. It is noted that the reference to Saunders Street east of Wright Avenue being "allowable in accordance with the Act" is a statement relative to the width of the road, however street parking in this location will be subject to considerations of the Parking Precinct Plan.
- P.25 - Table 15 modified to remove 20 bays from Bellevue Terrace and reduce the total on street parking bays (following review by the Town) available to 148 bays.
- P.26 – Section 4.7 Satellite Parking modified to add comment on requirement for further investigation and appropriate approvals being attained.
- P.27 - Dot point 4 of the first paragraph following Table 16 modified to change to 88 bays to 74 bays or 50% of 148 bays (previously 176 bays) to reflect the above change in Table 15. The next line is also altered from 502 to 488 bays to reflect this reduction in street bays in Table 15. References to the same are also altered in the following paragraph, as well as modifications to the referencing of *WA Road Traffic Code 2000*, Part 12, Division 8, Regulation 176.
- P.29 - Conclusions and Recommendations are altered - the first dot point reduces the 502 bays available to 488 bays. In addition, the reference to "over 2000 day boys" is qualified to indicate that this is dependent on class mix and staff numbers. Although not stated, any additional growth above student numbers approved as part of the ELC revised conditions will be subject to separate development approval.
- P.30 - Conclusions and Recommendations are also modified to reference the College's commitment to any Cat Service initiative of the Town with other schools in the locality and the former last dot point relative to Bellevue Terrace proposals is removed.

- Appendix A – Recommended Parking Management Plan removes the crossover entrance to the College from Bellevue Terrace and allocates 247 dedicated staff bays on site as required by TPS3.
- Appendix C – School Zones Plan has been updated from the Main Roads WA website.
- Appendix G – ELC Parking Area Concept modified to reflect latest site plan for ELC Development Application under SAT review.

#### Revised Student Numbers and Parking Requirements

It is difficult to control student numbers through the planning approval process when these controls have not been applied through past planning decisions. Notwithstanding, an attempt to do this has been applied through the approval granted to the ELC. This was a matter of discussion through the SAT review process. Technically, without the co-operation of the College, these retrospective controls cannot apply. One of the major concessions supported by the College in the SAT review of the ELC approval conditions is the agreed application of a cap on student and staff numbers as identified in the TMTP – 1623 non-boarder/day students and 190 full time staff (273 full time equivalent staff).

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

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

- RSAS – 14 bays per 100 students (Junior and Middle School), plus 7 bays per 100 students (Senior School), plus one per staff.
- EDWA – 1 bay per 14 students, plus 6 visitor bays, plus one bay per staff.

The higher RSAS standards have been applied to the growth targets of 1623 day boy students and 190 full-time staff for development up to 2020 (inclusive of the ELC) as follows:

<b>Day Boy Students (Total – 1623)</b>	<b>Parking requirement under RSAS</b>	<b>Total</b>
Junior School (including 44 ELC) - 381	14 bays / 100 students	53
Middle School - 486	14 bays / 100 students	68
Senior School - 756	7 bays / 100 students	53
Full Time Staff – 190	1 bay / Full Time Staff	190
<b>Total Parking Required</b>		<b>364</b>

The total parking provided on site (including the bays to be constructed as part of the ELC and as identified in the TMTP) is 364 (as required above). In addition, informal

overflow parking is provided for 50 bays on the oval and a further 50 bays on the verge fronting the tennis courts in Fern Street, Wright Avenue and Garden Street (total 464 bays). Further, it is recognised in the RSAS standards that the surrounding streets can contribute to parking requirements. A survey of the surrounding streets by the consultants preparing the TMTP (verified by the Town) established 148 bays available in the immediate locality, of which an allowance of 50% (74 bays) is allocated to establish a parking provision of 488 bays (formal bays on site plus verge parking around tennis courts) or 538 bays including the 50 overflow bays on the sporting grounds.

Whilst the technical RSAS standard is accommodated within the campus, there are some special circumstances which should also be taken into consideration to determine whether the parking provided is sufficient:

- It is recognised that the ELC has special parking requirements as students are required to be delivered and collected from the front door of the ELC by parents, thereby resulting in parents parking vehicles rather than dropping off or collecting students from a drop-off / pick-up area. It is noted that these less efficient parking practices are unlikely to impact on the parking operations due to the staggered start and finish times between the ELC, Junior, Middle and Senior Schools. It is noted that if the RSAS parking requirements were combined with the ELC requirement for all students (44 – 38 additional bays), the parking requirement would increase to 402 bays.
- Part time staff should also be considered. The College has previously estimated that there are 273 full time equivalent staff members. The College has reviewed the times when part-time staff is present on campus – approximately 70 staff at any one time. If these part-time staff members are added to the 190 full time staff requirements, 70 additional bays would be required. This would increase the above calculation (including parking for all ELC students) to 472 bays. This is accommodated within the parking provision of 488 bays and 538 bays as detailed in the preceding paragraph.

The College has supported modifications to the TMTP under Rev. T to identify specific parking bays on site for full time staff as required under TPS3. The College still however wishes to have access to parking for staff in Australind Street as this is an historic fact. Notwithstanding this, the, staff parking in Australind Street will be the subject of further discussions with the College in preparation of the Parking Precinct Plan and the application of parking restrictions by the Town.

The TMTP specifically addresses parking in Stirling Road and Shenton Road, as this road is subject to specific traffic concerns identified through the TMTP and addressed accordingly. The College has supported modifications to the TMTP under Rev. T to identify specific parking bays on site for full time staff as required under TPS3. The College still however wishes to have access to parking for staff in Australind Street as this is an historic fact. Notwithstanding this, the, staff parking in Australind Street will be the subject of further discussions with the College in preparation of the Parking Precinct Plan and the application of parking restrictions by the Town.

### SAT Processes and Review of Conditions

The SAT has Ordered Council to review the conditions relating to the ELC approval under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act). Revised conditions are proposed to be applied as detailed in the recommendation below. It is noted that the conditions represent significant improvements on the former conditions applied to the ELC approval in that they now acknowledge the revised TMTP, contain requirements for the re-instated Kott Terrace extension drop-off pick-up area during afternoon and sporting event peak periods, an audit condition and option to open the Kott Terrace extension in morning peak periods if required and reviews a condition on realistic growth in student and staff numbers.

### **Conclusion**

The proposed revised conditions for the ELC and the TMTP (Rev. T) address the major concerns raised during the initial public consultation period for the ELC in 2015, matters discussed at the SAT mediation sessions and also comments raised more recently on the TMTP. Both represent significant improvements in the control and management of parking and vehicle movement in and around the College to satisfy and address community concerns and expectations, while at the same time addressing the College's growth aspirations. It is noted however that additional work on traffic management, particularly in Wright Avenue south of Saunders Street is required, Devon Road and Garden Street, Shenton Road and Devon Road (and intersection with Saladin Street), Claremont Crescent and Stirling Road, and Shenton Road and Guger Street (south), in addition to a strategic approach to the sharing of road parking facilities and specifically the preparation of a Parking Precinct Plan for the locality, and also the review of the Town's Bike Plan. All these matters require further work by the Town (independent of the College's TMTP and approval conditions for the ELC) and will require extensive consultation with affected landowners before being adopted by Council. The combination of all these matters is expected to have a positive impact on traffic and parking management, vehicle, pedestrian and cyclist safety in the locality.

### **Voting Requirements**

Simple majority decision required.

### **Moved Cr Browne, seconded Cr Mews**

#### **THAT:**

- A) Council approve the Traffic Management and Transport Plan (Revision T) dated 12 July 2016 for Scotch College.**
- B) Council require the Town of Claremont's Engineering Services to review the road design of the parking embayments in Wright Avenue south of Saunders Street to address parking, traffic speed and pedestrian/cyclist safety, the intersection designs for Devon Road and Garden Street, Devon Road and Shenton Road (and associated intersection with Saladin Street), Shenton Road and Guger Street (south) and Claremont Crescent and Stirling Road, and refer preliminary design proposals to Council for consideration prior to consultation with affected residents.**
- C) Council require the Town of Claremont's Property Services to review proposals for the sale of Lots 50 and 125 Devon Road (or part thereof in association with re-subdivision and road closure/partial road closure**

- options) and refer preliminary proposals to Council for consideration prior to consultation with affected residents.
- D) Council require the Town of Claremont's Engineering Services to review the Bike Plan for the Town to take into account comments raised in public submissions on the Scotch College Traffic Management and Transport Plan and refer proposals to Council for consideration prior to consultation with affected residents.
- E) Council require the Town of Claremont's Ranger Services to address parking requirements in the locality in the proposed Parking Precinct Plan to take into account comments raised in public submissions on the Scotch College Traffic Management and Transport Plan and refer proposals to Council for consideration prior to consultation with affected residents.
- F) Council submit an application to Main Roads Western Australia to extend the School Zone 40km/h speed restriction area for Scotch College to include Wright Avenue south of Saunders Street and Stirling Road north of Shenton Road.
- G) Pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, Council approve the extension of the existing 'Educational Establishment' use at Lot 400 (31) Shenton Road (access from Stirling Road), Swanbourne, to accommodate an Early Learning Centre for Scotch College subject to the following revised conditions and advice notes:
1. The development must be carried out in accordance with the approved drawings attached, being:
    - Car park and traffic flow plan SK02 Rev 6 dated 13 June 2016;
    - DA04 received 19 May 2015;
    - DA05 received 19 May 2015; and
    - DA06 received 19 May 2015.
  2. Numbers at the Early Learning Centre shall not exceed 44 students and six adult teachers/assistants at any one time except if State or Commonwealth government regulations are amended to require more teachers or assistants, in which case the number of teachers/assistants is limited to the number required by State government regulations.
  3. The Traffic Management and Transport Plan for Scotch College by Porter Consulting Engineers (Revision T dated 12 July 2016) as approved has effect until:
    - a) 31 December 2025; or
    - b) the lodgement of an application for development approval at Scotch College which, in the opinion of the Council, may give rise to a material change in traffic numbers, traffic circulation or car parking requirements; or in student numbers referred to in condition 5(1); or
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- c) another Scotch College Traffic Management and Transport Plan is approved by the Council,  
whichever occurs first.
4. Scotch College must implement and continue to comply with the approved Traffic Management and Transport Plan. Specifically, the Kott Terrace extension is to be used for pick-up during afternoon peak period on school days and during sporting (and other major) events at the College after and during school hours, from the granting of this approval.
5. In order to be consistent with the approved Traffic Management and Transport Plan, the College shall:
- a) not enrol more than 1,623 non-boarder (day) students; and
  - b) not employ more than 190 full-time (or 273 full time equivalent) staff,
- unless higher figures are otherwise approved by Council.
6. The operation of the approved Traffic Management and Transport Plan must be audited by a suitably qualified traffic engineer within six months after the Early Learning Centre is opened. The audit must be carried out for a period of at least one month, and an audit report must be submitted to the Council for consideration by 1 August 2017. The audit report must:
- a) consider all traffic conditions (i.e. at peak times, and when all student years are at the College);
  - b) consider whether traffic flows in an acceptable way in and around Stirling Road in all traffic conditions;
  - c) consider more generally whether the Traffic Management and Transport Assessment Plan operates as predicted and whether traffic flow and parking within and around the College is acceptable; and
  - d) suggest any changes which may ameliorate identified traffic or parking problems.
7. If, on reviewing the audit report, the Council considers that any aspect of traffic flow or parking within or around the College is not acceptable due to traffic or parking demand contributed by the College, the Council may require the College to:
- a) amend the Traffic Management and Transport Plan; and
  - b) take steps to ameliorate the problems identified.
- Without limitation, the Council may require the College to keep Kott Terrace open for traffic and parking during the morning drop-off period.
8. If, prior to receiving the audit report, the Council is satisfied that queuing (inbound) has occurred beyond (south of) the Early Learning Centre exit to Stirling Road, as an interim measure the Council may direct the College in writing to open the Kott Terrace extension for
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traffic and parking during the morning drop-off period, and the College must comply with that direction.

9. The College must enter into a legal agreement with the Town of Claremont which grants to the Town an easement in gross over the parking and drop-off bays and associated access areas adjacent to Stirling Road on the College's land. The easement is to be prepared by the Town's solicitors and must be registered prior to an occupancy certificate being issued for the Early Learning Centre.
10. The College will continue to allocate staff members or appoint other persons as parking wardens to manage the Stirling Road pick-up and drop-off area to ensure efficient and proper operation of the area during morning and afternoon peak periods of school days and during peak sporting (and other major) events.
11. All car parking areas are to be constructed and maintained to meet Australian Standards 2890.1:2004 'Off Street Car Parking Facilities' to the satisfaction of the Town of Claremont.
12. Landscaping as shown on the approved plans is to be installed and maintained to a high standard to the satisfaction of the Town of Claremont.
13. All stormwater is to be contained on site. Details are to be provided on the application for a Building Permit.
14. This approval is valid only if the development is substantially commenced within 24 months of the date of approval.

**ADVICE NOTES:**

- a) For the removal of doubt, the Council's decision under condition 7 will be a decision in respect of the exercise of a discretionary power for the purposes of clause 94 of the Scheme.
- b) In regards to Condition 11, car park and crossover designs are to be submitted to and approved by the Town's Engineering Services prior to construction.
- c) This is a Planning Approval only and a Building Permit must be obtained from the Town's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.
- d) As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for disabled Access AS1428.

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- e) The applicant/owner is advised of the following health requirements from the Town's Health Services. For further information please contact the Town's Health Services on 9285 4300:
- (i) Under the *Environmental Protection (Noise) Regulations 1997* no construction work is to be permitted or suffered to be carried out:
    - (a) Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
    - (b) On a Sunday or on a public holiday.
  - (ii) The building is required to be registered as a public building under the *Health (Public Buildings) Regulations 1992* prior to occupation.
  - (iii) Premises may be deemed to be a vulnerable persons facility, requiring a Fire Safety Plan to be submitted prior to issue of a Building Permit.
  - (iv) The building is required to comply with the *Health (Public Building) Regulations 1992* including maximum occupancy which is to be determined with regard to floor space, emergency exits and toilet facilities.
  - (v) Food related facilities are to comply with the *Food Act 2008* and the food business is to be registered with the Town of Claremont's Health Services.

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

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

CARRIED(111/16)  
(NO DISSENT)

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**13.1.2 LOTS 1, 2 AND 21 (58-62) BAY VIEW TERRACE (CNR STIRLING HIGHWAY), CLAREMONT – PROPOSED THIRD STOREY ADDITIONS TO EXISTING COMMERCIAL TENANCIES AND ILLUMINATED LED SIGN**

<b>File No:</b>	<b>A-422/DA-2016.074</b>
<b>Attachments - Public:</b>	<a href="#">Location Plan</a> <a href="#">Photograph</a>
<b>Attachments - Restricted:</b>	<a href="#">Applicant's Submission Plans</a>
<b>Responsible Officer:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Author:</b>	<b>David Vinicombe</b> <b>Executive Manager Planning and Development</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>
<b>90 Days Due Date:</b>	<b>15 August 2016</b>
<b>Property Owner:</b>	<b>Strawss Pty Ltd</b>
<b>Submitted By:</b>	<b>Pinnacle Planning</b>
<b>Area of Lot:</b>	<b>Lot 1        230m<sup>2</sup></b> <b>Lot 2        207m<sup>2</sup></b> <b>Lot 21       401m<sup>2</sup></b>
<b>Zoning:</b>	<b>Primary Regional Road Reservation – under Metropolitan Region Scheme</b>
<b>Enabling Legislation:</b>	<b><i>Planning and Development Act 2005 (PDA)</i></b> <b>Town Planning Scheme No. 3 (TPS3)</b>

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**Purpose**

The application proposes a third storey extension to an existing commercial building at the intersection of Bay View Terrace and Stirling Highway together with a 50m<sup>2</sup> LED sign on the corner (located on the third storey).

**Summary**

- Application for a third storey extension for an office and illuminated LED sign has been lodged for JDAP approval on behalf of the responsible authority.
  - The application is to be determined by the JDAP on behalf of the WAPC and the DoP requires Council's recommendation.
  - The bulk of the proposed development is contained within the proposed Primary Regional Road (PRR) reservation under the Metropolitan Region Scheme (MRS) Amendment No. 1210/41 (currently being finalised).
  - On regional planning grounds, the application may be refused, however given that it may take 20 years or more for the Stirling Highway widening to eventuate, interim development with restrictions being placed on future compensation claims may result.
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- On local planning grounds, the application can be supported subject to conditions which relate to amalgamation, reciprocal parking, rights of carriageway easements, payment of cash-in-lieu for parking shortfalls and satisfaction of heritage requirements including the setting back of the development 1.0m from the Bay View Terrace frontage and 0.5m from the Stirling Highway frontage, retention of the existing orbs on the front parapets and removal of the proposed illuminated LED sign.

## Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
18 May 2016	Development Application received by Council
20 May 2016	Application forwarded to MRWA for comment
23 May 2016	Application forwarded to JDAP
22 June 2016	Comment of objection received from MRWA
23 June 2016	Application forwarded to DoP for WAPC consideration and recommendation to JDAP
5 July 2016	Council briefing on proposal
9 July 2016	Delegated report presented to Council
13 July 2016	Report prepared for Council
5 August 2016	Responsible Authority Report to JDAP due to be submitted by DoP/WAPC

As indicated at the Briefing to Council on 4 July 2016, the DoP has requested Council's recommendation in relation to the application. Despite the regional planning issues which arise in this application, the Town should base its recommendation on its local planning assessment of the proposal. A delegated approval report was presented to Council on this matter on 9 July 2016, however the proposal was "called-up" for Council consideration.

## Past Resolutions

Nil.

## Heritage

The property is listed in the Town's Heritage List as part of the Bay View Terrace Heritage Precinct. The Town's heritage officer has provided the following comments in relation to the proposal:

- The development is located at the southern end of the Bay View Terrace Heritage Precinct and dates back to 1911 (former National Bank).
- Development may be supported with conditions which improve the heritage outcomes for the site. These would include increasing the setback to Bay View Terrace and the Highway by a further 0.5 – 1m to reduce the impact of the development on the heritage building and to clearly distinguish between the old and new building; and also the retention of the decorative orbs above the front parapets. The proposed signs are not however considered to be sympathetic to the heritage character of the precinct and building, and should not be supported.

## Consultation

As a result of deliberations relating to the appropriate responsible authority status for the application, the Town is no longer the responsible authority and the determination by the JDAP will be on behalf of the WAPC. A consequence of this shift of authority is that the proposal does not technically require consultation under Council Policy LG525 - Advertising of Planning Applications. While it may have been desirable to undertake public consultation above the requirements of the Policy, the deliberations and recent request from the DoP for Council to urgently make its recommendation to the WAPC on the proposed development has prevented this consultation from taking place.

## Discussion

### Description

The proposal involves construction of a third storey with an office area of 120.8m<sup>2</sup> and 23.5m<sup>2</sup> outdoor deck of on Lots 1 and 2, together with a 50m<sup>2</sup> illuminated LED sign on the Lot 1 corner elevation.

The existing site consists of three properties under the same ownership – 58 (Lot 21), 60 (Lot 2) and 62 (Lot 1) Bay View Terrace (cnr Stirling Highway). It however is understood that Lots 1 and 2 are under offer for purchase by an undisclosed party.

### Reservation/Zoning

The properties are currently located entirely within the Metropolitan Region Scheme (MRS) Primary Regional Road (PRR) reservation, however, with the MRS Stirling Highway Amendment No. 1210/41 (about to be gazetted), the PPR reservation is to be retracted to impact on the corner Lot 1 and portion of Lot 2. As a result, approximately two thirds of the proposed third storey will be contained in the new PPR reservation, with the other one third being contained in MRS Urban zone (unzoned land pending application of the Town Centre zone under a separate amendment to TPS3 to be initiated within 90 days of gazettal of the MRS amendment). Given that the third storey is to be predominantly constructed within the reduced PPR reservation, it is possible that the application will be refused. As detailed below, the application will also require amalgamation of the three lots upon which the existing building is constructed in order to comply with Clause 38 of TPS3. This may be reduced to two lots relative to the extension area; a WAPC consideration. As a result of the amalgamation requirements, the WAPC may determine that the corner Lot 1 (and part of Lot 2) is acquired by the State or ceded to the Crown free of cost.

There is a risk that the Town could become embroiled in the compensation claim for land as a result of either a refusal being issued or should the road widening be required on the consequential amalgamation. The road widening (if required) is a matter of State significance (not the Town's) and the cost of acquisition of any resultant road widening, should be the responsibility of the WAPC through Metropolitan Improvement Tax funds. The Town has determined that Council should refuse to exercise its delegation to determine the application and refer it to the DoP in order to assign the Department as the government office representing the WAPC as the responsible authority relative to the JDAP determination.

It is noted that when commenting on MRS Amendment No. 1210/41, Council recommended that the reservation clear the buildings on this corner to preserve the heritage significance of the building and entrance to the Heritage Precinct. As the

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widening may take many years to eventuate, interim development of the site could be supported by WAPC with a condition requiring that the new development not be subject to any future claim for compensation on the widening of the Highway.

The application has been referred to Main Roads WA for comment in accordance with Del 2015/02 powers of Local Governments and Department of Transport under the MRS, and has not been supported. Given the details which are now contained in this report, and should Council choose to support the application, it is noted that in the MRS delegation requires the Town to refer the application to the DoP for determination as the responsible authority in any case.

### Land Use

While technically not presently located in the Town Centre zone, the amendment to TPS3 which will be required to be initiated by Council within 90 days of the gazettal of the MRS Amendment 1210/41 will most likely apply a Town Centre zone. Accordingly, given this and the proximity of the site to the Town Centre zone, it is reasonable to assess the proposal in accordance with the use class table requirements for the Town Centre zone.

It is noted that an Office is a 'P' (permitted) \*1 use within the Town Centre zone subject to cl.23, meaning the use is permitted subject to compliance with TPS3 and being located above the ground floor.

### Compliance

The development complies with the TPS3, Council Policy and Local Laws other than in the following areas:

- TPS3 cl.60 – Town Centre Zone Objectives
- TPS3 cl.38 – Amalgamation of Lots
- TPS3 Table 2 - Car Parking
- Signage Local Laws.

These items are discussed individually below.

### Town Centre Zone Objectives

While technically not presently located in the Town Centre zone, the amendment to TPS3 which will be required to be initiated by Council within 90 days of the gazettal of the MRS Amendment will most likely apply a Town Centre zone. Accordingly, given this and the proximity of the site to the Town Centre zone, it is reasonable to assess the application in accordance with the objectives for the Town Centre zone as follows:

1. *That Bay View Terrace be maintained as the centre of the specialised shopping area of the District.*
2. *The need for the Zone to provide a varied and integrated centre incorporating a wide range of retail outlets.*
3. *That buildings and the access and circulation for pedestrians and vehicles and parking facilities be so laid out as to ensure safety and convenience for shoppers and other users of the Zone.*

4. *The need for architectural and civic design of a high standard in order to compliment the design of older buildings and provide diversity consistent with overall harmony.*
5. *The provision of landscaping to provide shade and visual relief.*
6. *To enable appropriate residential development within the Zone.*
7. *The preservation of all buildings referred to in Clause 78.*

In general terms, the proposed development may be supported as it will increase the floor area of commercial uses along Bay View Terrace, allowing for an increased number and diversity of commercial uses, and also taking into account the heritage significance of the existing building under the Heritage List adopted under TPS3. It is noted that the Town Centre zone objective refer to retail use and not office, however the use class table of TPS3 lists office as a use that may be approved above the ground floor. The signage proposal is not however supported – see comments below.

It is noted also that the Stirling Highway Local Development Plan (LDP) adopted by Council on 5 July 2016 identifies significant development opportunity for the property subject to the preparation of a Structure/Activity Centre Plan. The LDP applies to land outside the new PRR reservation. However, interim development of this nature may be supported by WAPC within the new PRR reservation as the widening of Stirling Highway will not eventuate in the immediate future.

#### Amalgamation of Lots

The proposed upper floor additions extend over the lot boundaries. Cl.38 requires amalgamation of such lots prior to the issue of a Building Licence (Permit). A condition of approval may be included to address this matter. The existing development extends over of Lots 1, 2 and 21; however the proposed development extends over Lots 1 and 2. Amalgamation should be required to address this matter, and also address reciprocal parking and access requirements below.

#### Access

It is noted that the current development over three lots provides 16 car bays located on primarily on Lots 1 and 21. The middle Lot 2 contains the accessway for vehicle manoeuvring, two bays and part of a bay shared with Lot 1. All of the lots contain an accessway direct to the Highway which services vehicle access to the parking area at the rear of Lot 101 (Zenith Music). Lots 1, 2 and 21 are presently in common ownership. As indicated above, it is preferred that all three lots be amalgamated to formalise scheme, parking and access arrangements; however a reciprocal parking and right of carriageway agreement would also formalise the parking and access arrangements in the event of Lots 1 and 2 being sold to a third party. In addition, in order to secure formal access to the parking area at the rear of Zenith Music, a right of carriageway over the access aisle to the Highway should also be required.

#### Car Parking

As indicated above, 16 bays are provided on site. This is a historic (status quo) situation remnant from the early development of the site. Under the current TPS3 provisions, the existing development would require 35 bays. The proposed office floor space (approx. 128.5 m<sup>2</sup>) requires 4.2 bays. Accordingly the parking requirement under TPS3 would be as high as 39.2 (39) bays (16 bays provided,

resulting in a shortfall of 23 bays). However, as the lots are located in PRR reserve, the TPS3 provisions do not strictly apply. In addition, under proposed Amendment No. 123 to TPS3 (currently awaiting final gazettal – expected shortly) and proposed Council Policy (awaiting advertising for adoption on gazettal of Amendment No. 123), formal consideration of status quo parking acknowledges the anomalies of the past. This results in a required provision 4.2 bays for this development.

It is noted that under Amendment No. 123, proposed clause 31A(20) indicates that *“Notwithstanding other parking concessions achievable for non-residential development under the Scheme, Council at its absolute discretion may apply further parking concessions for non-residential development (excluding educational establishments) of up to 35% where it is considered that the proposed land use or development suitably satisfies the performance criteria contained in Table 4 – Additional Car Parking Concessions.”*

Table 4 provides for a number of parking concessions (5% each) which may apply to reduce the parking requirement from 4.2 bays (4 bays rounded down). These concessions include the property’s location in the Town Centre; within 400m of a parking station, Claremont railway station and Stirling Highway high frequency bus stop, together with heritage considerations. The application of two of these concessions relating to the proposals location in the Town Centre (providing for a public benefit, complimenting the character of the zone and not adversely impact the amenity of the locality) and the other relating to conservation of the heritage place are questionable as it is considered the proposed signage is contrary to the amenity of the Town Centre and heritage conservation. At the present time, inclusion of the signage would result in these two concessions not being applied to reduce the concessions down to 15% and accordingly require the provision of 4 bays (rounded up from  $4.2 \times 0.85\% = 3.57$ ). As such, the concessions would not reduce the parking requirement, however, if the signage was removed from the application, the concession could be increased by 10% to 25%, resulting in a reduced parking requirement of 3 bays (rounded down from  $4.2 \times 0.75\% = 3.15$ ).

Under Amendment No. 123 and Council Policy requirements (which can apply through a parking licence and audit process as provided for in the amendment), the required parking shortfall can be satisfied with the payment of cash-in-lieu at the rate of \$30,000 per bay - payment of \$120,000 (4 bays) or \$90,000 (3 bays). It is noted that without application of these concessions and provisions which apply through Amendment No. 123 and Council Policy, the cash-in-lieu requirement would be in the order of \$2.99M (23 x \$130,000 – approximate land and development cost per bay).

#### Signage Local Laws

The proposed LED signage on the top floor does not fit comfortably within the definitions outlined in the Town’s Local Law Relating to Signs. There are only two possible sign types under the Local Law that the proposed signage may fit; those being Illuminated Sign and Horizontal Sign. In reality, the proposed sign is a combination of the two. The proposed LED sign would not satisfy the Local Law requirements for such a sign as they generally relate to boxed signs that are illuminated from within and is really an outdated definition considering the new types of high intensity lighting LED signs available today. Similarly, a Horizontal Sign has size restrictions – 2m<sup>2</sup> maximum superficial area and maximum height of 900mm which are exceeded by the application. The proposed sign does not therefore satisfy the requirements of the Local Law.

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It is noted that under cl.13.2 of the Local Law, the Town may approve a sign which varies the Local Law if it is located in the Town Centre zone and complies with the Town Centre Zone Signage Policy. As the sign is not located in the Town Centre zone, and will remain in the PRR reservation as a result of MRS Amendment No. 1210/41, the Local Law cannot be varied and the Policy for variance does not apply. Accordingly, this part of the application should not be approved.

### **Summary**

Taking the above matters into consideration, it is recommended that Council should advise the WAPC through the DoP that should it be inclined to refuse the application on regional planning grounds, Council raises no objection to that decision. However should the WAPC be of the view that the development should be supported as interim development prior to the widening of Stirling Highway, the Town raises no objections to approval of the application, subject to application of conditions which address the above local planning considerations, subject also to the removal of the proposed illuminated LED sign due to its impact on the heritage character of the building and the Bay View Terrace Heritage Precinct, and also its non-compliance with the Town's Local Law Relating to Signs.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Browne, seconded Cr Mews**

**THAT Council resolve to advise the Western Australian Planning Commission through the Department of Planning in relation to the proposal for a proposed third storey additions to the existing commercial tenancies and illuminated LED Sign on Lots 1, 2 and 21 (58-62) Bay View Terrace (cnr Stirling Highway) Claremont that should the Western Australian Planning Commission determine to recommend refusal of the application to the Metropolitan West Joint Development Assessment Panel on regional planning grounds, Council supports this decision. However if the Western Australian Planning Commission determine to recommend approval of the application to the Metropolitan West Joint Development Assessment Panel as an interim development measure prior to the ultimate widening and land acquisition procedures for Stirling Highway being delivered, the following conditions should be applied:**

- 1. All development shall occur in accordance with the approved drawings (Planning Application DA2016.074), as amended by these conditions.**
- 2. The proposed development is not subject to any future claim for compensation in relation to road widening for Stirling Highway and an agreement in this regard is to be entered into between the owners and the State to ensure future owners do not make a claim for these approved works to the satisfaction of the Western Australian Planning Commission.**
- 3. Lots 1, 2 and 21 are to be amalgamated prior to the issue of a Building Permit, or alternatively the applicant is to enter into a legal agreement with Council to provide for amalgamation within 12 months of issue of a Building Permit to the satisfaction of Town's solicitors. The agreement**

is to be prepared by Town's solicitors and lodged as an Absolute Caveat on the Certificates of Titles, all at the cost of the owner/applicant.

Alternatively, Lots 1 and 2 are to be amalgamated as detailed above and the owner is to enter into a legal agreement with Council to provide for reciprocal parking and access over Lots 1, 2 and 21 to the satisfaction of Council. The agreement is to be prepared as an easement in gross by the Town's solicitors and must be registered on the Certificates of Titles, all at the cost of the owner/applicant prior to the issue of a Building Permit.

4. The owner is to enter into a legal agreement with Council to provide for an easement in gross over Lots 1, 2 and 21 to provide access to the rear of Lot 101 to the satisfaction of Council. The agreement is to be prepared by the Town's solicitors and must be registered on the Certificates of Titles, all at the cost of the applicant prior to the issue of a Building Permit.
5. Prior to issue of a Building Permit for the proposed development, the applicant/owner shall satisfy Town Planning Scheme No. 3 and Council Policy parking requirements which will require the payment of cash-in-lieu for the shortfall in the provision of car parking to the satisfaction of the Town of Claremont.
6. In order to address the heritage significance of the building and the Bay View Terrace Heritage Precinct under the Town of Claremont Heritage List, the front facade of the third floor is to be setback 1.0m from the existing Bay View Terrace frontage and 0.5m from the Stirling Highway frontage, the existing orbs located on the front parapets are to be retained and the illuminated LED sign is to be removed from the application.
7. All signage (other than the refused illuminated LED sign) is to be submitted to and approved by the Town of Claremont in accordance with its Local Law Relating to Signs prior to installation.
8. 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 Town Planning Scheme No 3, to the satisfaction of the Town of Claremont.
9. A Site and Traffic Management Plan for tradespersons and delivery vehicles is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.
10. Stormwater disposal to the satisfaction of the Town of Claremont. Drainage details and calculations are to be provided as part of the Building Permit application.
11. Vehicle access is to be designed in such a manner as to prevent storm water entering the property from the road and footpath.
12. The development is to comply with the Australian Standards for Disabled Access AS1428. If necessary revised plans are to be submitted with an application for a Building Permit.

13. All car parking for the property is to be contained on site. No parking on verges or street parking is to be permitted.
14. Car parking areas are to be sealed, drained, line-marked and signposted in accordance with plans approved by the Town and maintained thereafter.
15. Any graffiti on the property visible from a public place being removed within 48 hours.
16. 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.

#### Notes

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
  2. Council advises the applicant that the that in order to satisfy Town Planning Scheme No. 3 and Council Policy requirements relating to parking prior to the gazettal of Amendment No. 123, a parking licence fee of \$30,000 per bay is required to be paid prior to the issue of a Building Permit as an interim approach to addressing the cash-in-lieu for car parking requirements of Town Planning Scheme No. 3. Should Amendment No. 123 be gazetted prior to the application for a Building Permit, the formal cash-in-lieu payment in accordance with Council Policy for each required bay shall apply at a rate of \$30,000 per bay. The payment in each case will take into account the concessions available in accordance with provisions contained in Amendment No. 123 and will range between \$90,000 if the illuminated LED sign is refused as part of this approval and \$120,000 if the sign is approved under this application.
  3. 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.
  4. 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.
  5. This is a Development Approval only and a Building Permit must be obtained from the Local Government prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.
  6. All developments are required to submit an Infrastructure Clearance form with or prior to application for a Building Permit. Refer to the Town of Claremont website (Infrastructure) for standards, specifications, and to download the Infrastructure Clearance Form.
  7. This property is listed on the Town of Claremont's Heritage Schedule and/or the Heritage Council of Western Australia's Register of Heritage Places. Any future alteration to the building or development on the land
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requires Development Approval and the application may be referred to the Heritage Council.

8. The applicant/owner is advised of the following requirements from the Town's Health Services. Should any advice be unclear, please contact the Town's Health Services on 9285 4300:
- a) All plant and machinery (such as air conditioners and pool pumps) must be suitably located and/or sound proofed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
  - b) Under the *Environmental Protection (Noise) Regulations 1997*, no construction work is to be permitted or suffered to be carried out:
    - i) Before 7.00am or after 7.00pm Monday to Saturday inclusive; or
    - ii) On a Sunday or on a public holiday.
  - c) 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*.

CARRIED(111/16)  
(NO DISSENT)

## 13.2 PEOPLE AND PLACES

### 13.2.1 DISBANDING OF CLAREMONT NOW INCORPORATED ASSOCIATION

<b>File Ref:</b>	<b>ECD/00051</b>
<b>Attachments:</b>	<a href="#">Policy PS203</a> <a href="#">Proposed amended policy PS203</a>
<b>Responsible Officer:</b>	<b>Stephen Goode</b> <b>Chief Executive Officer</b>
<b>Authors:</b>	<b>Stephen Goode</b> <b>Chief Executive Officer</b> <b>Maryanne Martino</b> <b>Manager Community Development</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>

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#### **Purpose**

For Council to endorse the disbanding of Claremont Now Incorporated which represents the Claremont Town Centre business community and replacing it with an advisory committee to oversee the Claremont Now Project.

#### **Background**

In March 2012 Council adopted policy PS203 to provide a framework for the establishment of Business Improvement Districts (BID) within the Town of Claremont.

Council recognised the importance of a vibrant and successful business sector and committed to the provision of support and assistance through the creation of a governance framework to support the establishment of Business Improvement Districts (BID). The initial BID is for the Claremont Town Centre and was established as *Claremont Now*.

A BID requires a partnership approach between the business community and Council. Through its policy, Council committed to encouraging and supporting such a partnership. Council has provided support to the BID by:

- Appointing representatives to the BID management committee
- Allocating staff resource
- Providing accounting and financial management services
- Matching funding.

There are a number of alternatives for the governance of a BID and essentially they come down to being a committee of the Council or an entity created independent of the Council. The second option was chosen because the BID would be seen to be the business community's organisation, supported by the Council. An association was established under the *Associations Incorporation Act 1987* as the body responsible for the Claremont BID.

Commencing in the 2012-2013 financial year, Council adopted a Specified Area Rate for commercial properties situated within the town centre. In accordance with Section 6.37 of the *Local Government Act 1995*, this rate was imposed for the purpose of

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collecting and managing funds to support the local economic development initiative, *Claremont Now*.

The amount collected through the Specified Area Rate, is half from the businesses and half from the Town of Claremont. The amount for the current financial year is \$240,000.

The funds are to create activations, events and market the Town Centre. Benefits of these functions include:

- Increased visitation
- Cultural connection
- Social activation
- Increased economic development
- Supportive local businesses.

These functions are supported by the Claremont Now Board for delivery through the following strategies:

<b>Strategy</b>	<b>Action</b>
Create Partnerships	Business liaison and development Creation of a database and business contacts for regular communications (e-newsletters) Partnerships with businesses Grants program for businesses
Create Awareness	Branding Campaign - Retail Face of Claremont Website Social media Strategy (Facebook and Instagram)
Create Interest	Activation through the creation and implementation of pop up events and festivals (e.g. A Taste of Claremont) Light the Nights Shop Window Promotion Christmas Activation
Create Comfort	Community Safety Initiatives in partnership with the Town Seating / Shade in BVT

The BID was approved for an initial minimum of three years and was extended for a further three years from 2015- 2016 at the request of the Claremont Now Board.

### **Discussion**

From 1 July 2016 a new Act, the *Associations Incorporation Act 2015* will apply and impacts upon the existing structure and management of the BID. A discussion paper on how Claremont Now Incorporated should respond to a new Associations Incorporation Act was prepared for and considered by the Board and resulted in the Board recommending that the incorporation of the Association be cancelled and that the BID continue under an advisory committee established by Council.

Claremont Now is established as an incorporated association under the Associations Incorporation Act 1987. The new Act makes significant changes to the requirements for an incorporated association which will impose additional operating complexity on

the BID. This includes accounting and secretarial requirements, membership management and meeting requirements.

The new requirements add nothing of value to the aims of the BID but will add a degree of complexity, and risk, which would require resources to address. Essentially to continue the incorporated association means funds would have to go from projects to administrative costs.

Under the Claremont Now arrangements in place now the Town:

- Collects the special rate and allocates matching funds
- Manages the Association's finances through its standard financial management system (including at the end of each financial year transferring to a specific reserve fund any unexpended portion of the special rates) and the audit of the accounts is as part of the Town's annual audit process (no cost to Claremont Now)
- The Town provides a secretarial service (without cost to Claremont Now)
- The Town employs and manages the Claremont Now officer. The officer is paid from the Claremont Now budget but there is no cost charged for supervision, office accommodation, IT equipment and support etc.
- Financial reporting; following up on action items; and keeping up to date with the association's activities.

The Town will not be able to provide the administrative support to administer Claremont Now under the new Act. There would be an unacceptable risk of making mistakes by trying to do the governance as an occasional task in an area of law in which nobody at the Town has any degree of expertise or familiarity. Establishing a stand alone secretariat might cost >\$50,000.

The Board resolved to support the wind up of the Association and replace it with an advisory committee of the Town.

Cancellation of incorporation of the Association involves an application to the Commissioner asking for the incorporation to be cancelled and should be uncomplicated because the Association does not own property and owes no debts (Section 141 of the *Associations Incorporation Act 2015*).

The Board has recommended that Council establish a Claremont Town Centre Advisory Committee under the *Local Government Act 1995*. Section 5.8 of the Act provides the power to establish committees by Absolute Majority. A committee can be comprised of council members, employees and other persons (Section 5.9(c)).

An advisory committee could operate much as the Association does now, that is, being the 'sounding board' for the Council staff responsible for activities funded by the BID budget.

It is suggested that the Committee be established with essentially the same terms of reference as the Association's objects (extracted from the constitution below).

The objectives of the Association are-

to, promote and enhance the attractiveness to the general community of the Town Centre BID District;

to organise, coordinate and conduct promotional programs, decorations, publicity, special events, advertising and other joint ventures for shoppers and others in the Town Centre BID District;

to provide entertainment for shoppers and others in the Town Centre BID District;

to contribute to, and work cooperatively with the Town on, the civic progress of the Town Centre BID District; and

to bring together retailers, professional people, civic authorities and others for the purpose of improving the Town Centre BID District as a retail destination.

The committee established by the Council would be serviced by the Town's staff (meaning the secretarial, accounting and general governance are covered).

Employment of the Claremont Now officer to remain with the Town and the interface with the Town's other staff remains easy and positive.

The Committee should still have activities to bring businesses together but they would not have to be meetings with formal quorum requirements and proper membership qualifications etc, that is, any business person who is interested could attend and be involved in sponsored activities without membership requirements or limitations – business people may well be interested in attending such events whereas they have not been much interested in formal meetings.

Membership of the Committee is recommended to be the same as it is for the Board, including a preference that the Chairperson be a business representative rather than a Council member (note the committee must elect its own presiding person, section 5.12).

### **Past Resolutions**

Ordinary Council Meeting 1 May 2012, Resolution 61/12: Council adopted the Imposing of the Specified Area Rate, the approved purposed for which the Specified Area Rate may be expended, the waiving of the Specified Area Rate for the residential properties and the creation of a Reserve Fund titled Claremont BID Reserve.

At the time of subsequent annual budget approvals a specified area rate has been approved.

Ordinary Council Meeting 6 March 2012, Resolution 23/12: Council adopted the BID Policy.

Ordinary Council Meeting 6 December 2011, Resolution 271/11: Council supported the establishment of a Town Centre BID.

Ordinary Council Meeting 16 August 2011, Resolution 181/11: Council initially supported the concept of the BID with funding of \$40,000 in the 2011-2012 budget.

### **Financial and Staff Implications**

Resource requirements are in accordance with existing budgetary allocation and staff positions are in accordance with the approved employee budget.

The Town will arrange the process to cancel incorporation if the recommendation is supported by Council.

### **Policy and Statutory Implications**

Policy PS203 Business Improvement District (attachment 1) is the Council's underlying policy for establishing and supporting the Claremont Now BID. It is recommended that the policy be changed (attachment 2) to reflect the move from an incorporated association to an advisory committee of the Council.

*Local Government Act 1995.  
Associations Incorporations Act 2015.*

### **Communication / Consultation**

The Claremont Now Board met on 28 June and recommended that an advisory committee be established by Council and the incorporation of the association be cancelled .

### **Strategic Community Plan**

#### **Prosperity**

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

- Further develop and implement the principles of the Business Improvement District Policy to support local and new business.
- Reduce unnecessary barriers to new business and support the success of existing local businesses.
- Assist in creating local employment opportunities through a strong local economy.

#### **People**

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

- Create opportunities for and access to social participation and inclusion in support of community health and well being.

#### **Urgency**

A decision needs to be made before planning for the Claremont Now Action Plan initiatives begins.

**Voting Requirements**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED.

**Moved Cr Wood, seconded Cr Tulloch**

**That Council**

1. **Support the recommendation of the Claremont Now Board that the incorporation of the Association be cancelled.**
2. **Establish a Claremont Town Centre Advisory Committee pursuant to Section 5.8 and 5.9 of the *Local Government Act 1995*.**
3. **Membership of the committee be-**  
**The Mayor and two council members**  
**The Chief Executive Officer or his delegate**  
**Five members of the Claremont Town Centre BID area business community.**
4. **The Terms of Reference of the Claremont Town Centre Advisory Committee be –**  
**To receive reports from the Town’s officers, give feedback and make recommendations about the activities of the Town Centre BID District**  
**To, promote and enhance the attractiveness to the general community of the Town Centre BID District;**  
**To provide support and advice on the BID’s activities including promotional programs, decorations, publicity, special events, entertainment for shoppers and other visitors to the town centre, advertising, security and presentation of the infrastructure and other joint ventures for shoppers and others in the Town Centre BID District;**  
**To contribute to, and work cooperatively with the Town on, the civic progress of the Town Centre BID District; and**  
**To bring together the interests and ideas of retailers, professional people, civic authorities and others for the purpose of improving the Town Centre BID District as a retail destination.**
5. **Council adopt the amended Policy PS203 Business Improvement District (Attachment 2 to this report).**
6. **The following members be appointed to the Claremont Town Centre Advisory Committee for a term expiring on the next ordinary local government election day:**  
**Mayor Barker**  
**Councillors Goetze and Tulloch**  
**Patrick Ghirardi**  
**Alison Reid**  
**Harvey Williams**  
**Christian Leach**  
**Bruce Johns**  
**Chief Executive Officer or his delegate.**

**CARRIED BY AN ABSOLUTE MAJORITY(112/16)  
(NO DISSENT)**

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### 13.3 CORPORATE AND GOVERNANCE

#### 13.3.1 LIST OF PAYMENTS 1 TO 30 JUNE 2016

<b>File Ref:</b>	<b>FIM00062</b>
<b>Attachments:</b>	<a href="#">List of Payments to June 2016</a> <a href="#">NAB Purchase Card Statement June 2016</a>
<b>Responsible Officer:</b>	<b>Les Crichton</b> <b>Executive Manager Corporate and Governance</b>
<b>Author:</b>	<b>Edwin Kwan</b> <b>Finance Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>

#### Purpose

For Council to note the payments made in June 2016.

#### Background

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

#### Discussion

Attached is the list of all accounts paid totalling \$2,651,007.35 during the month of June 2016.

The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$	1,810,042.53
• Municipal Fund vouchers (39472-39475)	\$	20,543.09
• Municipal Fund direct debits	\$	789,375.46
• Trust Fund electronic funds transfer (EFT)	\$	31,046.27
• 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 21 June 2016, Resolution 97/16:

*That Council notes all payments made for May 2016 totalling \$1,705,870.29 comprising;*

<i>Municipal Funds electronic funds transfers (EFT)</i>	\$	<i>1,164,515.58</i>
<i>Municipal Fund vouchers</i>	\$	<i>0.00</i>
<i>Municipal Fund direct debits</i>	\$	<i>481,172.87</i>
<i>Trust Fund electronic funds transfer (EFT)</i>	\$	<i>60,181.84</i>
<i>Trust Fund vouchers</i>	\$	<i>0.00</i>

**Financial and Staff Implication**

Resource requirements are in accordance with existing budgetary allocation.

**Policy and Statutory Implications**

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

**Communication / Consultation**

N/A

**Urgency**

N/A

**Voting Requirements**

Simple majority decision required.

**Moved Cr Browne, seconded Cr Edwards**

**THAT Council notes all payments made for June 2016 totalling \$2,651,007.35 comprising;**

<b>Municipal Funds electronic funds transfers (EFT)</b>	<b>\$</b>	<b>1,810,042.53</b>
<b>Municipal Fund vouchers (39472-39475)</b>	<b>\$</b>	<b>20,543.09</b>
<b>Municipal Fund direct debits</b>	<b>\$</b>	<b>789,375.46</b>
<b>Trust Fund electronic funds transfer (EFT)</b>	<b>\$</b>	<b>31,046.27</b>
<b>Trust Fund vouchers</b>	<b>\$</b>	<b>0.00</b>

**CARRIED(113/16)  
(NO DISSENT)**

## 13.4 INFRASTRUCTURE

### 13.4.1 GUGERI STREET LANDSCAPE UPGRADE

<b>File Ref:</b>	<b>RDS00210</b>
<b>Attachments:</b>	<a href="#">Gugeri Street Upgrade Current Proposal</a> <a href="#">Gugeri Street Upgrade Current Proposal Artist Impression</a> <a href="#">Gugeri Street Upgrade Alternative Proposal</a> <a href="#">Claremont Quarter Landscaping Plan 2009</a>
<b>Responsible Officer:</b>	<b>Saba Kirupananther</b> <b>Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Andrew Head</b> <b>Manager Parks and Environment</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>

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#### **Purpose**

For Council to consider the proposed upgrade to landscaping on the medians of Gugeri Street between Stirling Road and Bayview Terrace.

#### **Background**

At the Ordinary Council Meeting of 4 April 2006, the Council approved the development of 23 St Quentin Avenue 'Claremont Quarter', subject to a number of conditions being met. The conditions relating to the landscaping requirements of the development are set out in past resolutions.

In January of 2009 the Town signed off the two conditions relating to landscaping after the design (attachment 4) was submitted to the Town for approval and satisfied the conditions.

Until the summer of 2013 the median garden beds on Gugeri Street were densely planted with Lomandra grasses. Over time many of these grasses died from irrigation problems and trampling by pedestrians crossing the road.

Towards the end of 2014 the pressure of the scheme water irrigation system (connected to Claremont Quarter) deteriorated. The landscape further declined.

The median is now maintained as a mulched area under an avenue of Cut Leaf Plane Trees.

#### **Discussion**

The Town could use this opportunity to work with Claremont Quarter to achieve a far greater presentation standard of this important streetscape through the Town.

To achieve this desired outcome, a bore and pump installation would be required to provide a good reliable water source. Once installed this set up would provide adequate water pressure to the existing reticulation network without significant

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modifications required to the median. This would also reduce the reliance on scheme water from the Claremont Quarter for irrigation purposes.

Once a reliable water source is installed, the Town has an opportunity to create a big entry statement by landscaping this median with dense and colourful plantings of green ivy and red geraniums (as used in other locations within the Town). Large blocks will be used for effect as per the attached concept. This treatment would assist in the reduction of radiant heat on the northern side of Claremont Quarter.

An additional irrigation line is proposed for the northern verge to assist with the installation of more trees, shrubs and understory to help screen the rail line and improve the quality of vegetation along the rail reserve which is part of the WESROC greening plan.

Further additions (as part of a second stage of this project) to the system could be made to allow the landscaping of areas around the Stirling Road underpass as another entry statement during the next capital works program.

### **Past Resolutions**

At the Ordinary Council Meeting of 4 April 2006, Resolution 104/06:

A report was presented to Council outlining the landscaping requirements set for the Claremont Quarter development. Below is an excerpt of the Council Resolution:

- 1.40 *A minimum of 5% of the site area being utilised for landscaping in accordance with the definition incorporated in Town Planning Scheme at the time of lodgement of the relevant building licence.*
- 1.41 *Three (3) copies of a Landscape Plan shall be lodged with the Town by the proponent, showing plant species by a numerical code the botanical names, quantity and ultimate size of all plant types to be planted, paving styles, street furniture and detailed layout for the town square, new roads and existing road frontages, to the satisfaction of the Chief Executive Officer prior to the issue of a Building Licence . The development is to proceed and thereafter to be maintained at the cost of the landowner in accordance with the approved plans;*
- 1.42 *All landscaping within the subject land shall be well maintained and all vegetation landscaping shall be kept in a healthy condition at all times. Should any tree die it shall be replaced by the landowner with a tree of the same species and a similar height within 30 days. All landscaping shall be installed and reticulated prior to occupation;*

**CARRIED**

### **Financial and Staff Implications**

There is an allocation of \$148,500 in the 2016-17 budget, which will cover the proposed landscape upgrade.

That being \$80,500 for bore and irrigation works and \$68,000 for landscaping and hardscape.

The cost estimates are for;

- Bore, cabinet, controller and pump - \$27,000
- Power Supply - \$40,500
- Reticulation modifications quoted at \$39,150
- Landscaping which includes concrete separation - \$54,000
- Traffic management during landscaping works - \$10,800

It is proposed that the funding of the items be broken down as follows;

Town of Claremont

- Bore, cabinet, controller and pump - \$27,000
- Power Supply - \$40,500
- Subtotal - \$67,500

Claremont Quarter and Town of Claremont

- Reticulation modifications quoted at \$39,150
- Landscaping which includes concrete separation - \$54,000
- Traffic management during landscaping works - \$10,800
- Subtotal \$103,950 (Split equally between Claremont Quarter and the Town)

Ongoing Maintenance by Town of Claremont

- Monthly Garden Maintenance - \$21,600 per year
- Reticulation inspections - \$4,725 per year
- Replacement planting each winter - \$2,025 per year.
- Subtotal \$28,350

It is proposed that Claremont Quarter be asked to contribute \$51,975 and the Town of Claremont would pay the remaining \$119,475 for the construction with an additional \$28,350 per year for maintenance.

## **Policy and Statutory Implications**

*Local Government Act 1995.*

## **Communication / Consultation**

The Town had discussions with Claremont Quarter regarding the proposal, cost estimates and funding contribution.

Town Talk .

Media Release.

## **Strategic Community Plan**

### **Liveability**

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

- Clean, usable, attractive, accessible streetscapes and public open spaces.
- Develop the public realm as gathering spaces for participation and enjoyment.
- Maintain and upgrade infrastructure for seamless day to day usage.

## Prosperity

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

- Reduce unnecessary barriers to new business and support the success of existing local businesses.

## People

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

- Maintain, effectively manage and enhance the Town's community facilities in response to a growing community.

## Environment

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

- Strive for innovative environmental design practices in new developments and redevelopments.
- Constantly seek and implement best options for waste management and water usage.

## Urgency

Medium high – The medians are presenting well below the Claremont Town Centre Standard and this cannot be resolved until water supply is improved.

## Voting Requirements

Simple majority decision of Council required.

## Officer Recommendation

**That Council approves;**

- 1. The modification of the existing Guger Street median scheme water supply for landscaping by:**
    - a. Disconnecting the existing mainline from south side of Guger Street; and**
    - b. Installing a power supply, reticulation control cabinet, bore and pump on the north side of Guger Street.**
  - 2. The proposed landscaping of the Guger Street medians as per the attachment.**
  - 3. All costs associated with the irrigation modifications to be undertaken at the Town's cost.**
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4. All costs associated with the landscaping of Guger Street median to be shared equally between Claremont Quarter and the Town of Claremont.
5. All future maintenance costs for maintaining Guger Street medians to be funded by the Town.

**MOTION TO DEFER**

**Moved Cr Browne, seconded Cr Haynes**

**That the item be deferred.**

Reason: To enable Administration to bring forward a range of alternate options including a fence in the median strip to protect vegetation and public safety.

**CARRIED(114/16)  
(NO DISSENT)**

**13.4.2 RICHARDSON AVENUE WORKING GROUP**

<b>File Ref:</b>	<b>TAT/00030</b>
<b>Responsible Officer:</b>	<b>Saba Kirupananther Executive Manager Infrastructure</b>
<b>Author:</b>	<b>Marty Symmons Engineering Technical Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 July 2016</b>

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**Purpose**

To review the function of the Richardson Avenue Working Group (RAWG).

**Background**

The RAWG was established after school drop off parking in the immediate area was proposed by Council; and in response to a petition subsequently received from local residents objecting to this proposal.

The parking was proposed by Council to alleviate congestion at and around Corry Lynn Road. This is one of many measures that the Council, together with the schools, are working on to help alleviate congestion at school drop off times within Claremont.

The RAWG was formed of Councillors, representatives of the two nearby schools, and of residents of Richardson Avenue and the surrounding area, with the following terms of reference:

*1.1. Working Group:*

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

*1.2. Objective and Purpose:*

*a) Assess new design proposals and provide feedback and recommendations which can then be considered prior to the proposal proceeding to a detailed design stage.*

*b) To ensure that any future proposals made are as acceptable as possible to the affected community, whilst still achieving alleviation to the congestion around the schools.*

*c) Assess the surrounding area for alternate modifications that could be made to the road network and/or street layout, with an aim to alleviate congestion without major impact being made to the streetscape and character of the area.*

The initial draft concepts supplied to the working group included parking arrangements with different levels of impact upon the adjacent verges and streetscape, as well as different local area traffic management treatment options to improve safety for people utilising the proposed parking.

The objective of the RAWG was to provide ideas, concerns, and feedback, on the different parking and traffic management options, minimising the negative impact of the proposal on the affected residents.

These can then be adopted into a more detailed design concept, prior to resurveying the local residents and schools, and then taking their responses and the preferred design back to Council for a final decision.

The role of the different members of this working group is to make recommendations for the parking and traffic management treatments, representing their respective stakeholders.

Richardson Avenue is a Local Distributor (LD) road with a posted speed limit of 50kmh.

Maximum desirable traffic volumes for LD's are 6000 vehicles per day.

Average weekday traffic volumes on Richardson Avenue from Wilson Street to Stirling Highway are around 4000 vehicles per day, with 85th percentile speeds below 50km/h.

There have been two recorded crashes over the past five years on this section of Richardson Avenue. A side swipe in 2012 and a rear end in 2015.

There is an existing single lane slow point on Richardson Avenue midblock between Cliff Way and Stirling Highway intersections.

### **Discussion**

Two meetings of the working group have so far been held. The draft concepts for drop off parking on Richardson Avenue were gone over at length with numerous comments and suggestions being made.

The discussion at the meetings focussed mainly on possible alternative transport options for students getting to and from school, including promoting bike use and bus services; as well as questioning what the schools are doing to manage the congestion problem themselves.

Emphasis was also placed on the requirement for traffic management to improve road safety; with the suggestion made that the existing conditions are in need of review.

The assessment of the different parking and traffic management concepts resulted in the preferred option being parallel parking on the south side only, and a roundabout at the Prospect Street intersection.

The feedback from the local resident members of the group is that, whilst some traffic management treatments on Richardson Avenue would be welcomed, they still strongly object to having any drop off parking facilities provided.

Within the meetings and also conveyed in separate correspondence, discussion has been ongoing as to the intent of the working group and the terms of reference. The working group members representing the residents local to Richardson Avenue have

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repeatedly stated that they are opposed to the introduction of drop off parking and would prefer for the working group to revisit the terms of reference, widening the scope to allow for the group to provide recommendations for a broader strategic approach to peak traffic movements into and out of Claremont during school drop off times.

### **Past Resolutions**

Ordinary Council Meeting 20 October 2015, Resolution 182/15:

*That Council*

1. *Amend the working group membership to include three councillors, being the South Ward councillors.*
2. *Approve the members of the Richardson Avenue working group being:*
  - a) *Councillor Goetze (Chair);*
  - b) *Councillors Kelly & Mews;*
  - c) *Three community Representatives from the local area;*  
*Mr Douglas Forster;*  
*Mr John Brewer;*  
*Ms Amanda Nikolich.*
  - d) *Representative from Methodist Ladies' College P&C;*
  - e) *Representative from Christ Church Grammar School P&C;*
  - f) *Executive Manager Infrastructure;*
  - g) *Manager Engineering Services;*
  - h) *A staff member from both MLC and CCGS to be observers, at the school's discretion.*

*Reason:*

1. *MLC has requested that a staff member be included.*
2. *It will be helpful to have school staff involved in the process to liaise with the school.*

*CARRIED  
(NO DISSENT)*

### **Financial and Staff Implications**

Funding of \$80,000 was available in 2015-16 budget. If Council decides to disband the working group and not pursue with drop off parking bays, the funding need not be carried to 2016-17 budget.

### **Policy and Statutory Implications**

Austrroads and Australian Design Guidelines and Main Roads WA design guidelines.

### **Communication / Consultation**

The Mayor and Acting CEO recently met with the representatives of Richardson Avenue. This meeting solidified the overall feeling that the best method of

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consultation between the Town and stakeholders should be less formal, and therefore not to continue with the RAWG. The representatives of Richardson Avenue have been asked to present their ideas for traffic management directly to the Town in an informal meeting in the future, of which they are supportive.

## **Strategic Community Plan**

### **Liveability**

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

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

### **Urgency**

A meeting of the RAWG had been arranged for the 10 August. It is therefore necessary to make a determination on this prior to this date.

### **Voting Requirements**

Simple majority decision of Council required.

### **Moved Cr Wood, seconded Cr Tulloch**

#### **That Council:**

- 1. Disbands the Richardson Avenue Working Group and informs all members accordingly.**
- 2. Not proceed with drop off parking on Richardson Avenue.**
- 3. Requests that the working group members provide in writing (with mud maps) any remaining comments, options or ideas specifically related to the school traffic, transport and drop off parking.**

**CARRIED(115/16)  
(NO DISSENT)**

**14 ANNOUNCEMENTS BY THE PRESIDING PERSON**

NIL

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

NIL

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

**Moved Cr Haynes, seconded Cr Wood**

**That Council express its appreciation to Peter Olson for his contribution to the working of the Lake Claremont Advisory Committee during the past 20 years and his interest in and contribution to the rehabilitation of Lake Claremont.**

**CARRIED(116/16)  
(NO DISSENT)**

**17 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****MOTION TO CLOSE DOORS****Moved Cr Mews, seconded Cr Main**

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

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

**CARRIED(117/16)  
(NO DISSENT)**

*Mayor Barker adjourned the meeting at 7:20PM.*

*Mayor Barker reconvened the meeting at 7:21PM.*

**ATTENDANCE****Mayor Barker****Cr Peter Browne****West Ward****Cr Karen Wood****West Ward****Cr Peter Edwards****West Ward****Cr Chris Mews****South Ward****Cr Bruce Haynes****East Ward****Cr Kate Main****East Ward****Cr Alastair Tulloch****East Ward****Mr Stephen Goode (Chief Executive Officer)****Mr David Vinicombe (Executive Manager Planning and Development)****Mr Les Crichton (Executive Manager Corporate and Governance)****Ms Liz Ledger (Executive Manager People and Places)****Mr John Humphreys (Manager Planning)****Ms Katie Bovell (Governance Officer)**

**17.1 CORPORATE AND GOVERNANCE****17.1.1 CLAREMONT AQUATIC CENTRE - PRINCIPAL DESIGN CONSULTANT**

**File Ref:** COP/00073  
**Responsible Officer:** Les Crichton  
Executive Manager Corporate and Governance  
**Author:** Sean Badani  
Aquatic Centre Manager  
**Proposed Meeting Date:** 19 July 2016

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The following item was considered in closed session.

**COUNCIL RESOLUTION**

**Moved Cr Browne, seconded Cr Wood**

**That**

- 1. Council accept the tender and appoint Donovan Payne as Principal Design Consultant for the Claremont Aquatic Centre Development; and**
- 2. The report remain confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*.**

**CARRIED(118/16)**

For the Motion: Mayor Barker, and Crs Tulloch, Edwards, Browne, Main, Mews, and Wood.

Against the Motion: Cr Haynes

**MOTION TO OPEN DOORS**

**Moved Cr Haynes, seconded Cr Mews**

**That the doors be opened.**

**CARRIED(119/16)  
(NO DISSENT)**

*The doors opened at 7:50PM.*

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

**18 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, 2 August 2016 at 7:00PM.

**19 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 7:50PM..

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

**PRESIDING MEMBER**