



TOWN OF CLAREMONT

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY 6 MARCH 2018

Liz Ledger

CHIEF EXECUTIVE OFFICER

Date:

DISCLAIMER

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

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TOWN OF CLAREMONT
ORDINARY COUNCIL MEETING
6 MARCH 2018
MINUTES

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

His Worship the Mayor, Mr Jock Barker, welcomed members of the public, staff and Councillors and declared the meeting open at 6.59pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Mayor Jock Barker	Town of Claremont
Cr Alastair Tulloch	East Ward
Cr Bruce Haynes	East Ward
Cr Kate Main	East Ward
Cr Chris Mews	South Ward
Cr Jill Goetze	South Ward
Cr Paul Kelly	South Ward
Cr Peter Browne	West Ward
Cr Peter Edwards	West Ward
Cr Sara Franklyn	West Ward

Ms Liz Ledger (Chief Executive Officer)

Mr Les Crichton (Executive Manager Corporate and Governance)

Ms Cathy Bohdan (Executive Manager People and Places)

Mr David Vinicombe (Executive Manager Planning and Development)

Miss Sarah Hingston (Governance Officer)

12 members of the public

Two members of the press

3 DISCLOSURE OF INTERESTS

NIL

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4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Andrew Cuthbertson – 54C First Avenue, Claremont

Q1. *Will the mid-year Council Budget review to be completed by 31 March 2018 commit additional funding to this purpose beyond that allocated in stated proposed infrastructure works on Graylands Road East and Ashton Avenue?*

A1. The Council, as part of the midyear budget review, allocated additional \$300,000 to do more footpaths, at the Ordinary Council Meeting on Tuesday 20 February 2018.

Q2. *There is a current review of footpath priorities for renewal underway due for completion end of March 2018. Would the Council please advise:*

2.1 *Where First Avenue, East Ward is on the priority renewal ranking and why?*

2.2 *Whether it is possible for First Avenue to be increased to a high priority on the basis street residents view the current state of the street footpaths as a safety issue given the following issues:*

- *the road is characterised as being located on a steep hill and residents with movement disabilities (such as the need to use mobility scooters, elderly residents with double hip replacements), young families with prams, push chairs and toddlers, parents with primary school children, are increasingly using the recently upgraded road surface rather than the current poorly maintained and deteriorating footpaths to access:*
 - a) *First Avenue Reserve*
 - b) *Mt Claremont Primary School*
 - c) *Bus services on Alfred Road*
 - d) *Loch Street Station*
 - e) *First Avenue shopping/ medical services centre facilities.*

Why the road might be classified for engineering purposes as “low usage”, footpath traffic is increased through the early morning and late afternoon.

First Avenue is blessed with a balanced resident base with a mixture of older and younger families with young children. Housing renovation and re-building has led to the increasing number of new driveways with the intervening footpaths allowed to degrade. This has been compounded by recent contractors building additional “man hole pits” for the NBN service.

A2. We are currently undertaking our Town wide footpath condition assessment. Based on the condition, the priority list will be finalised by middle of March 2018. The other factors mentioned in your question are taken into account in deciding the order of priority.

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5 PUBLIC QUESTION TIME**Mr Peter Dockett – 59 Graylands Road, Claremont**

- Q1. What solutions to slowing traffic on Graylands Road are the Council considering in the locations other than the treatment to the Lapsley Road intersection? Given the technical recommendation to Council was for traffic calming in other locations of Graylands Road due to the current high speeds.
- Q2. Given the recent success of the Graylands Road bike path consultation, can Council please initiate a similar consultation process with the residents of Graylands Road for traffic claming?
- Q3. Can Council please consult on two options, one as presented by the Technical Officer's Report and one that includes only the intersection at Lakeway?

The Mayor took these questions on notice.

Ms Kylie Waterstrom – 3 Vaucluse Avenue, Claremont

- Q1. The double white lines at the Northern end of Vaucluse Avenue is partially visible.
- 1.1 Is it meant to be two double white lines?
 - 1.2 Or has it been removed?
 - 1.3 If it has been removed why was it removed?
 - 1.4 If it has been removed was a traffic study conducted?
 - 1.5 If it has been removed, was a risk assessment and a Safety Hazard analysis undertaken?
- Q2. Safety.
- 2.1 22 children live on Vaucluse Avenue (approximately 60% being pre-school and primary school age). Speeding is an issue. Do you have a plan to insert another speed hump in the middle of Vaucluse Avenue to reduce the ability of vehicles to speed?
 - 2.2 Do you have a traffic management plan in place to remedy this situation?
 - 2.3 With the abundance of non-local traffic parking on Vaucluse Avenue Monday to Saturday 7am to 5.30pm, and the combination of speeding vehicles makes this a very unsafe environment for children crossing the road as access neighbours houses and the park at the northern end of the road. Is there a speeding management plan?
 - 2.4 Will you demark a cross walk at the Rowe Park (northern end) Vaucluse Avenue to allow safe access for children and pedestrians?
- Q3. Non-Resident Parking.
- 3.1 Clearly this has been an issue for quite some time (a decade I believe). As ratepayer of 3 Vaucluse Avenue, Claremont, please refer to my previous letters for photographic evidence. We are unable to use our

- own driveway at a full capacity 95% of the time. Does this mean we only have to pay 5% of our rates?
- 3.2 Our own tradespeople are unable to park to service our properties, our visitors have nowhere to park, large families with more than two cars and who have children at driving age cannot park their vehicles. What are your plans to rectify the lack of non-resident parking?
- 3.3 Do you have an alternative parking contingency plan to alleviate the non-resident parking?
- 3.4 The majority of the non-resident parking are the tradespeople from the Mirvac and construction across the road near the showgrounds. Typically, the workers arrive 6.30am and depart at 4pm, and the Claremont Quarter staff approximately 8am to 5.30pm. With regards to a short term remedy to the non-resident parking can you please approach the owners of the showgrounds and agree on a parking agreement for when the showgrounds are not being used? (I.e. \$2-\$5 per day for parking?).
- Q4. Future Traffic/ Town Planning
- 4.1 Do you have a plan to partially block (allowing for one-way entrance at the southern end) Vaucluse Avenue like you have done with Langsford Street?
- 4.2 When you agree to make Vaucluse Avenue single lane, when will this happen?
- 4.3 Is there a traffic management plan in place to allow for the 2,000 to 4,000 population increase once the Claremont Oval development is complete?
- 4.4 Will Guger Street ever be dual lane?
- 4.5 Stirling highway traffic management. The traffic flow (or lack thereof) is becoming increasing worse around from 2.30pm to 6pm. Is there a traffic management plan in place for future urban growth? (I.e. a tunnel running below Stirling highway from (roughly) Wellington St Mosman park to the end of Nedlands and or diversions along Stirling highway for school traffic?)

The Mayor took these questions on notice.

6 PUBLIC STATEMENT TIME

Mr Peter Telford – 5A Langsford Street Claremont

Re: Item 13.3.2 Lot 100 (5A) Langsford Street, Claremont – Additions and Alterations to Existing Heritage Dwelling

Mr Telford spoke in favour of the Officer's Recommendation.

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7 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

NIL

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Browne, seconded Cr Goetze.

That the minutes of the Ordinary Meeting of Council held on [20 February 2018](#) be confirmed.

CARRIED(24/18)
(NO DISSENT)

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

NIL

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

NIL

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Items 12.1 and 12.2 were carried en bloc.

12 REPORTS OF COMMITTEES

12.1 FORESHORE ADVISORY COMMITTEE

Attachments: [Foreshore Advisory Committee Meeting Minutes – 21 February 2018](#)

Responsible Officer: Saba Kirupanather
Executive Manager Infrastructure

Meeting Date: 21 February 2018

Officer Recommendation

Moved Cr Tulloch, seconded Cr Kelly

That the minutes of the Foreshore Advisory Committee meeting held on [21 February 2018](#) be received.

CARRIED(25/18)
(NO DISSENT)

12.2 CLAREMONT TOWN CENTRE ADVISORY COMMITTEE

Attachments: [Claremont Town Centre Advisory Committee Meeting Minutes – 27 February 2018](#)

Responsible Officer: Catherine Bohdan
Executive Manager People and Places

Meeting Date: 27 February 2018

Officer Recommendation

Moved Cr Tulloch, seconded Cr Kelly

That the minutes of the Claremont Town Centre Advisory Committee meeting held on [27 February 2018](#) be received.

CARRIED(26/18)
(NO DISSENT)

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13 REPORTS OF THE CEO

13.1 CORPORATE AND GOVERNANCE

13.1.1 DRAFT MEETING PROCEDURES LOCAL LAW 2018

Attachments: Draft Meeting Procedures Local Law 2018
(Attachment 1)

Meeting Procedures Local Law Feedback
(Attachment 2)

Responsible Officer: Les Crichton
Executive Manager Corporate and Governance

Author: Danielle Uniza
Senior Governance and Risk Advisor

Proposed Meeting Date: 6 March 2018

Purpose

To give notice of the purpose and effect of the proposed *Town of Claremont Meeting Procedures Local Law 2018* (refer to Attachment 1) and undertake the required advertising.

Background

At its Ordinary Council Meeting held on 12 December 2017, the Council identified the current *Town of Claremont Standing Orders Local Law 2009* for further review and amendment. As such, the Town has reviewed this local law against contemporary meeting procedures, principles of good governance, and its practical application within the Town's current Council meeting processes.

With the local law having been first adopted nearly 10 years ago, it is more appropriate to approach the review through a 'repeal and replace' process. As such, the Town has used the WALGA model Meeting Procedures local law as the base for the proposed *Town of Claremont Meeting Procedures Local Law 2018* in lieu of amending the existing local law.

Discussion

With Meeting Procedures practices being more or less standard across the sector, only a few changes were identified within the existing local law (as listed in Attachment 2). These changes, along with clauses highlighted for discussion, were first sent to Councillors for review via internal memo before being presented at the Elected Member Forum held on 19 February 2018.

Further changes made to the draft following this consultation include;

- Removal of proposed clause 9.3 - 'Unopposed business'

Concern was raised at the potential for a motion to be passed without opportunity for Council to speak on it.

- Removal of proposed procedural motion clause 10.5 – ‘Meeting to proceed to the next business’

Concern was raised that this motion may provide no outcome where an outcome was sought or necessary.

- Removal of clause 15.2 – ‘Limitations on powers to revoke or change decisions’

Concern was raised that the process to having a notice to revoke or change a decision considered by Council where implementation had commenced was subject to opinion and therefor challenge, potentially obstructing Council opportunity to debate the revocation motion.

Following this consultation, it is proposed that the draft *Town of Claremont Meeting Procedures Local Law 2018* be advertised for public comment citing the following purpose and effect:

- The **purpose** of the *Town of Claremont Meeting Procedures Local Law 2018* is to provide the rules for conduct of meetings of Council, Committees and electors.
- The **effect** of the *Town of Claremont Meeting Procedures Local Law 2018* is intended to result in:
 - a) Better decision-making at meetings
 - b) The orderly and efficient conduct of meetings, and
 - c) Greater community understanding of the business of Council.

In line with s3.12 of the *Local Government Act 1995*, public notice regarding the draft Local Law will be given to seek public submission for a period no less than six weeks. At the close of this period, a report will be presented to Council to consider any submissions received, and if necessary, amend the draft Local Law.

Past Resolutions

Ordinary Council Meeting 6 October 2002, Resolution 276/09:

THE AMENDED SUBSTANTIVE MOTION WAS PUT

That Council:

2. *Repeals the Standing Orders Local Law 2000 and adopts the Town of Claremont Standing Orders Local Law 2009 with the amendments as specified in 1.*

CARRIED BY AN ABSOLUTE MAJORITY

Financial and Staff Implications

The costs of the review are within Council’s budget allocation.

Policy and Statutory Implications

Local Government Act 1995 s3.12 Procedure for Making Local Laws

Communication / Consultation

The changes, together with other clauses highlighted for discussion, were sent to Councillors for review prior to being presented at the Elected Member Forum held on 19 February 2018.

The purpose of this report is to obtain Council endorsement to advertise the draft *Town of Claremont Meeting Procedures Local Law 2018* and seek submissions from the community.

Strategic Community Plan

Governance and Leadership

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

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Demonstrate a high standard of governance, accountability, management and strategic planning.

Urgency

The *Town of Claremont Standing Orders Local Law 2009* was due for its 8-yearly review in line with s3.16 of the *Local Government Act 1995*.

Voting Requirements

Simply majority decision of Council required.

Officer Recommendation

Moved Cr Edwards, seconded Cr Tulloch

That Council

1. **Gives public notice outlining the purpose and effect of the proposed *Town of Claremont Meeting Procedures Local Law 2018***
2. **Seeks public submissions in line with s3.12 of the *Local Government Act* for the proposed local law (as provided in Attachment 1), and**
3. **Receives a further report to consider submissions on the proposed *Meeting Procedures Local Law 2018* after the close of the submission period.**

**CARRIED(27/18)
(NO DISSENT)**

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13.2 PEOPLE AND PLACES

13.2.1 VOLUNTEER AWARD SELECTION PANEL

File Ref:	CRD/00033
Responsible Officer:	Cathy Bodhan Executive Manager People and Places
Author:	Maryanne Martino Manager Community Development
Proposed Meeting Date:	06 March 2018

Purpose

To appoint three Elected Members to be on the selection panel for the winners for the inaugural Volunteers Awards.

Background

Traditionally, the Town has organised a 'Volunteer Thank You' function held in December. Volunteers were invited based on:

1. Managers recommendation
2. Hours worked during the year
3. Tasks completed
4. Length of service.

To further demonstrate Council's support and increase awareness within the community of our volunteers and the value that they provide, the Town has developed an Awards Program to compliment the 'Volunteer Thank You' function. The function will follow its traditional model of providing refreshments, certificates of appreciation, along with the awards that will recognise the outstanding contribution of Claremont Volunteers at work in our community. This is to be held in May 2018 to align with 'National Volunteers Week'.

Discussion

There are four award categories being proposed and each category targets a different community demographic. Nominees may select someone for more than one category if they are eligible. However, a separate nomination form must be submitted for each award with the category clearly stated on the nomination document.

The four categories are:

1. The Claremont Youth Volunteer of the Year Award (one winner):
Presented in honour of a young person (under 25 years of age) who has made an exemplary contribution and who through their volunteering has made a significant impact in the Claremont community.
-

2. The Claremont Senior Volunteer of the Year Award (one winner):
Presented in honour of a volunteer over the age of 60 years old, who has made an exemplary voluntary contribution and who through their volunteering has made a significant impact in the Claremont community.
3. The Claremont Volunteer Team of the Year Award (a team of volunteers):
Presented in honour of a team of volunteers who has made an exemplary voluntary contribution and who through their volunteering has made a significant impact in the Claremont community.
4. The Claremont Volunteer of the Year Award (one winner):
Presented in honour of an individual who has made an exemplary voluntary contribution and who through their volunteering has made a significant impact in the Claremont Community.

To ensure that the award selection process is inclusive, fair and transparent, the Town proposes that a Volunteer Award Panel be created, consisting of three Elected Members. A Town Officer will be responsible for administrating the nominations received. However, only the Elected Members will be voting members.

Suggested Timeline

Nominations open	Thursday, 1 March 2018
Nominations close	Monday, 16 April 2018
Volunteers Award Panel meet to select finalists and overall winners	Week commencing Monday, 23 April 2018
Award Ceremony	Friday, 25 May 2018

The winners will be announced on the day of the event, and subsequently via the Town's website.

Past Resolutions

NIL

Financial and Staff Implications

N/A

Policy and Statutory Implications

N/A

Communication / Consultation

Nominations for the award will be publicised through the Town's website, Town Talk and Community Development Newsletter.

Strategic Community Plan

People

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

- Facilitate opportunities for social participation, health, learning and inclusion through programmed activities and events.
- Provide opportunities for local community groups that support their capacity and ongoing sustainability.

Urgency

The Volunteer Award Selection Panel needs to be appointed before the close of nomination period.

Voting Requirements

Simple majority decision of Council required.

Officer Recommendation

Moved Cr Goetze, seconded Cr Haynes

That Council:

- 1. Appoints three Elected Members for the Volunteer Awards Selection Panel.**
- 2. Authorises the Volunteer Awards Selection Panel to choose the overall winners for each award category.**

AMENDMENT

Moved Cr Haynes, seconded Cr Franklyn.

The following words be added to the Officer's Recommendation:

Council institute an Annual Volunteers Award.

Reason: The amendment will authorise the Annual Volunteer Award.

**CARRIED(28/18)
(NO DISSENT)**

AMENDED PRIMARY MOTION

That Council:

- 1. Institute an Annual Volunteers Award.**
- 2. Appoints three Elected Members for the Volunteer Awards Selection Panel.**
- 3. Authorises the Volunteer Awards Selection Panel to choose the overall winners for each award category.**

**CARRIED(29/18)
(NO DISSENT)**

The Presiding Member asked for nominations to determine the representatives for the Volunteer Awards Selection Panel.

Cr Goetze nominated for Cr Haynes.

Cr Tulloch nominated for Cr Goetze.

Cr Franklyn nominated herself.

MOTION

Moved Cr Goetze, seconded Cr Mews.

That the following three Elected Members be appointed to the Volunteer Awards Selection Panel:

- 1. Cr Haynes**
- 2. Cr Goetze**
- 3. Cr Franklyn.**

**CARRIED(30/18)
(NO DISSENT)**

13.3 PLANNING AND DEVELOPMENT

13.3.1 LOT 500 (76) SHENTON ROAD, SWANBOURNE - PROPOSED THREE STOREY EDUCATION BUILDING AND ASSOCIATED RELOCATION OF PARKING BAYS TO LOT 400 SHENTON ROAD FOR SCOTCH COLLEGE

File No:	A-3401
Attachments - Public:	Plans and Accompanying Documentation (Attachment 1) Location and Submission Plan (Attachment 2) Photograph (Attachment 3) Submissions Schedule (Attachment 4) Council Report 19 July 2018 (Attachment 5)
Attachments - Restricted:	State Heritage Office Advice (R-Attachment 1) Full Copy of Submissions (R-Attachment 2)
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Josh Wilson Urban Planner
Proposed Meeting Date:	6 March 2018
Date Prepared:	23 February 2018
Development App. No.:	DA 2017.00145
90 Days Due Date:	15 December 2017
Property Owner:	Scotch College
Submitted By:	Taylor Robinson Architects
Lot Nos.:	500 and 400
Area of Lot:	32,223m² and 79,962m²
Zoning:	Educational
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA) Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regs) Town Planning Scheme No. 3 (TPS3)</i>

Summary

- Development Application received for a three storey education building for Scotch College on Lot 500 Shenton Road and associated reallocation of parking to Lot 400 Shenton Road.
 - Redundant facilities on lot 500 Shenton Road are proposed to be removed, subject of a future application.
 - There will be no increase in student or staff numbers.
-

- Application requires determination by the Metropolitan West Joint Development Assessment Panel (JDAP) due to the cost (\$16.5 mil). All developments greater than \$10 mil must be determined by a DAP.
- Seventy surrounding property owners and occupants were consulted and six submissions were received. Submissions raised concerns with regard to the height and location of the building, architectural style, potential damage to adjacent houses, visual privacy, traffic and cycling and loss of trees/landscaping areas.
- Concerns raised are addressed by revised plans submitted to the Town showing increased landscaping, screening to some windows. A Construction Management Plan and Dilapidation Reports for nearby dwellings are recommended if the development is approved. Traffic and cycling are dealt with under the College's Traffic Management and Transport Plan (TMTP) which is separate to this application.
- Proposal is supported subject to conditions addressing landscaping, glare, construction management and damage to adjacent properties.
- It is recommended that the Officer's Responsible Authority Report recommending conditional approval of the development be forwarded to the JDAP.

Purpose

For Council to:

- (i) Consider the officer recommendation and subsequent conditions regarding the development of a new 3-storey educational building at Scotch College.
- (ii) Be advised that due to the value of the development it must be determined by a Development Assessment Panel in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011*.
- (iii) Authorise staff to prepare a Responsible Authority Report in the required format for submission to the JDAP.

Background

Scotch College has been undergoing major redevelopment and expansion over the past 10 years. This application seeks to replace aging senior-school facilities located on Lot 500 closer to Australind Street. The proposal allows for works to be undertaken with minimal disruption to students as it does not require demolition of existing classrooms until after construction and lodgement of a Development Application dealing with the redevelopment of the redundant facilities (at this stage most likely the for re-purposing of buildings for student services and landscaped courtyards).

Staff and student numbers at the school have been capped by the Town as part of previous Development Approvals; the most recent for an early learning centre in July 2016, which limited students to 1623 day students (1785 students with boarders) and 190 full-time (273 full-time equivalent) staff. These limitations were imposed under DA2015.00067 at the Council Meeting on 19 July 2016 (Attachment 5) in a reconsideration of a previous decision by Council on the application in August 2015

and relative to a State Administrative Tribunal (SAT) review of that application, and associated final approval of a Traffic Management and Transport Plan (TMTP).

The TMTP was initially required by Council on July 2012 in relation to satisfaction of conditions regarding redevelopment of the middle school (DA2011.00106). The TMTP was originally required to be audited by August 2017, however was delayed and due to a conflict with year 12 students finishing towards the end of 2017, is currently being undertaken and will be forwarded for Council consideration in the next month. The current application has little impact on the TMTP as it proposes no increase in student or staff numbers, just a rearrangement of the site buildings and allocated parking. This is discussed in further detail at the end of the report.

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
15 August 2017	Development Application received by Council.
20 August 2017	Application undergoes internal DCU assessment.
22 August 2017	Additional information requested from applicant.
8 December 2018	Additional information received from applicant.
4 January 2018	Advertising commenced.
29 January 2018	Advertising closed.
9 February 2018	Additional changes requested to address landscaping, parking and other requirements.
21 February 2018	Revised plans received.
23 February 2018	Report prepared for Council.

Past Resolutions

Scotch College has undertaken a number of developments in the past 10 years. Key applications are listed below:

- DA2009.00176 - New car park on Claremont Crescent
- DA2011.00106 - Middle school redevelopment
- DA2011.00198 - Car park upgrades
- DA2012.00127 - New art classroom
- DA2013.00128 - New music room
- DA2013.00130 - New car and bus parking area off Claremont Crescent
- DA2013.00163 - Extension to Stirling Road drop-off area
- DA2015.00008 - Upgrades to Memorial Hall
- DA2015.00067 - Early childhood education centre
- Adoption of Traffic Management and Transport Plan

Statutory Considerations

Development Assessment Panel

Under the DAP Regulations, developments valued at more than \$10 million must be determined by a DAP, in this case the JDAP.

Where an application is to be determined by a DAP, the local government cannot issue Development Approval. The Town is required to forward the application to the JDAP for their formal determination on behalf of Council.

In preparing a Responsible Authority Report (RAR) for the JDAP, the Town is required to undertake a full assessment of the proposal, including advertising and consultation, as per TPS3 requirements. The report is due to be submitted within 90 days of receiving an application, however this has been extended due to requests for additional information and design changes.

Heritage

The property is listed on the Town's Heritage List as some of the buildings on the site, notably Barrett's House (constructed 1905), have heritage significance.

The application was referred to the Department of Planning, Lands and Heritage (State Heritage Office) which advised that the application does not significantly impact on the heritage value of the site. The State Heritage Office has provided advice (R-Attachment 1) on the demolition of parts of existing buildings on the site that are connected to Barrett's House. While these works are outlined in the application they do not form part of the current application and will require separate Development Approval (for re-purposing of buildings for student services and landscaped courtyards).

Consultation

The application was advertised in accordance with Council Policy on Advertising of Development Applications LG525.

Seventy surrounding residents and property owners were consulted and six objections were received. The submissions raised the following issues:

- Damage and impact during construction
- Height
- Bulk
- Streetscape and design
- Vegetation and landscaping
- Overlooking
- Student numbers, traffic and cycling
- Need for a construction management plan

These issues are discussed in the next section of the report. A Submissions Schedule is attached to this report (Attachment 4) along with full copies of submissions (R-Attachment 2). See comments below in the Discussion section on submissions.

Discussion

Description

The application proposes a 3500m² new building over three levels with 13 new classrooms, several larger educational spaces, and staff and student facilities. It is located on the southern campus facing Shenton Road, immediately west of the existing student underpass and north of the senior school oval.

The development will result in the loss of 14 car bays accessed from the Wright Avenue roundabout. These bays are for staff only and 15 new bays (one additional bay) will be relocated to the northern campus (Lot 400 Shenton Road), in two parking areas (six bays in car park 'U' near the year 7, 8 and 9 boarding house with entrance from Shenton Road and nine bays in car park 'I' near the year 10, 11 and 12 boarding house with entrance off Stirling Road).

The application includes indicative demolition plans for existing buildings that will be made redundant by the new development. This is intended as background only and does not form part of the proposed works.

Compliance

TPS3 contains numerous clauses that apply to the proposed development. The following table summarises these requirements:

Clause	Key requirements	Complies
cl.14 Land use Table	'Educational Establishment' is a 'P' (permitted) use in this location	Yes
cl.28 Table 2 – Listed Use Classes	Building setbacks as per R15 code, 50% landscaped open space, one car bay per staff, student bays as determined by Council.	Yes
cl.31 Car Parking Spaces	Car parking to be designed in accordance with scheme including shade trees and screening vegetation. All parking areas to be maintained.	Yes
cl.37A Non-Residential Development Abutting a Residential Zone	6m setback to ground/first floor, plus 6m for each additional floor. Overlooking windows to be fixed and obscured to 1.8m, additional trees required for car parking spaces.	Yes
cl.40 Height of Buildings	Maximum building height of 12m.	Yes
cl.74 Objectives (of Educational Zone)	Maintenance of park-like appearance and preservation of heritage buildings.	Yes - See comments below
cl.76 Design and Construction	Appearance not to adversely affect the character and amenity of the locality, not to adversely affect privacy, glazing not to cause glare issues, service areas to be screened.	Yes - See comments below
cl. 77 Protection of Townscape	Protect the Town from changes of such magnitude or quality as to adversely affect the character or amenity.	Yes - See comments below

Clause 74 – Objectives (of Educational Zone)

Clause 74(a) requires the Town to have regard to the maintenance of the park-like appearance of all school grounds visible to the public. Several submissions received objected on this ground as the proposed building is located behind a landscaped embankment in front of the senior school oval facing Shenton Road. The imposition of a large building in this location will reduce the overall park-like appearance of the college requiring Council to exercise its discretion in considering approval.

Clause 74 states that this objective is to be considered in addition to any other that is required or permitted to be considered. This is a balanced objective and while the proposal will reduce the park-like appearance of this section of the college grounds, it is supported for the following reasons:

- Proposal retains all street trees (mature Peppermints) adjacent to it and only one tree on private land will be removed to make way for the proposed development.
- The landscaping plans provided as part of the application will result in a substantial number of additional trees and landscaping in the front setback area.
- The college has already landscaped the verge in this location to provide a high-quality treatment. The entire setback and verge along Shenton Road contains mature trees, grass and/or shrubs.
- The senior school oval is already mostly obscured from vehicle and pedestrian view from Shenton Road by a landscaped embankment. The vista from the Wright Street roundabout through to the senior school oval will still be maintained.
- The middle school grounds on the north campus contain the majority of open space and playing fields for the school. These areas fully achieve the desired park-like appearance and in addition are freely available for use by the public.
- Previous approvals for Scotch College and Christ Church Grammar School have established an acceptance in allowing for reductions in park-like appearance. The current proposal incorporates more vegetative screening than these previous approvals. As a result it is considered to be an improvement on achieving a park-like appearance compared to other former approvals.

If the development is approved, a condition is recommended requiring a detailed landscaping plan to be submitted and approved by the Town to ensure landscaping includes adequate trees and vegetation.

Under cl.74(b) Council shall also have regard to the preservation of all buildings referred to in cl.78 (Schedule of Historic and Other Buildings and Places – now known as the Heritage List). The application indicates future demolition of buildings in the vicinity of Barrett's House, which would be subject of a separate Development Application and referred to the Heritage Council of WA during the assessment process. In commenting on the current application, the Heritage Council has included references to the potential for future demolition works, indicating that demolition may be supported subject to conditions.

Clause 76 Design and Construction

Council is required to consider whether the proposed building will adversely affect the character or amenity of the locality, whether it will clash in harmony with neighbouring buildings, whether the privacy of nearby residential properties will be affected and whether its use of glass may potentially cause issues with glare. These are subjective considerations and several objections have been received to the development which make reference to this requirement. The objections state that the height, bulk and architectural style is out of step with the streetscape which is characterised by 1-2 storey residential dwellings, many of which are heritage listed. Concerns were also raised regarding overlooking of properties to the east and north.

The building's style can be described as modern, with a flat roof and substantial use of glass. Pronounced shading structures around the windows have been used to break up the form of the building and create visual interest. The facade includes strong diagonal elements that are suggestive of a tartan pattern, providing a visual connection to the college's heritage.

The bulk and height, while greater than the surrounding houses, is less than that of the existing Memorial Hall and canteen buildings adjacent to the west, both of which have a lesser setback to the street. Compared to these buildings, the proposal has less impact on the street. The building is set back 12m from the adjacent house to the east, which is equal to its height at this point, providing a significant break in the streetscape. The height of the proposed building is also stepped down from the east to west in response to the contours of the site.

It should also be noted that while the street is residential in nature, the site is zoned Educational and the proposal is compliant with height and setbacks requirements for this zone.

Overlooking of properties on the north side of Shenton Road has been considered against the general requirements of this clause, noting that cl.37A of TPS3 specifically requires screening of windows on the eastern façade of the building. The extent of overlooking towards properties to the north is considered to be acceptable for the following reasons:

- Overlooking is mostly directed at front yards.
- All houses in this section have solid 1.8m high fences facing Shenton Road.
- The proposed windows are set back 26.6m from the affected properties.
- Existing mature street trees provide some screening to these properties and the development proposes the planting of additional trees in the front setback area to provide further screening.
- School has limited hours of operation, reducing the time of any impact to the less-sensitive daytime hours.

Glare is unlikely to be an issue as the majority of windows on the building have external shades that extend from the tops and sides of the windows. However, due to the large amount of glazing proposed, should the development be approved, a

condition is recommended allowing the Town to require a non-reflective coating to any windows found to cause glare problems.

Overall the design is supported.

Clause 77 Protection of Townscape

Council is required to consider whether the proposal is of such magnitude or quality as to adversely affect the general character or amenity of the area. The clause specifically requires having due regard for the scale, architectural form, colours and materials and the proposed development as well as that of buildings in the vicinity and landform and vegetation as they affect the character of the locality.

As discussed in the previous paragraphs, the scale of the building is greater than the surrounding dwellings but commensurate with other school buildings facing Shenton Road. It is also fully compliant with height and setback requirements under TPS3. The architectural quality of the design is high and the proposed materials and finishes are similarly acceptable. The proposed floor levels match the sloping site with the building being stepped down from the east to west to incorporate level changes along Shenton Road and features at-grade access on two levels.

Submissions:

In addition to the above matters, the submissions received by the Town raised the following matters:

Damage during construction

The scale of proposed earthworks may result in superficial damage to nearby houses. Should the development be approved, a condition is recommended requiring Dilapidation Reports for these houses (to be determined by the Town) to ensure any damage caused is repaired at the cost of the college.

Damage to verges including curbs, driveways, reticulation and vegetation will be covered by a verge damage bond that is payable upon application for a Building Permit.

Height

The building has a maximum height of 12m which is compliant with the requirements of cl.40 in TPS3.

Bulk

The building is set back 12m from the eastern side boundary and 6m from the northern (street) boundary. There is a 14m gap between the proposed building and the canteen building to the west. It is comparable in scale to the existing Memorial Hall and canteen buildings immediately to the west however the building is setback further (and behind landscaping) and the form is significantly more detailed than these buildings. This will result in a less bulky appearance when viewed from the street.

Streetscape and design

Several submissions were concerned with the impact of the new buildings on the residential and heritage elements of the Shenton Road streetscape. The site is zoned Educational and is not located within a Heritage Area under Local Planning Policy 2/2015 - Retention of Heritage Places, Heritage Areas and Heritage Precincts. Based on this there is no direct requirement to consider the residential and heritage significance of the surrounding properties.

The design includes high-quality finishes facing Shenton Road along with substantial glazing. The proposed brickwork and limestone matches the existing middle school buildings while the glazing creates a connection between the street and the site. The ground level has classrooms with direct access to the street setback area which will be landscaped with seating and paths to further the connection with the street.

Vegetation and landscaping

The proposal requires removal of the existing landscaped embankment in front of the senior school oval. This includes the removal of one mature eucalyptus tree.

The development includes a new forecourt in the front setback area along Shenton Road. In response to the submissions a landscaping concept plan has been prepared which shows additional trees and soft vegetation in this area to soften the appearance of the development to the street. While the building will reduce the park-like appearance of this section of the site the new landscaped forecourt will positively contribute to the streetscape and will provide a significant number of new native trees.

Overlooking

The original design included large windows that looked onto 74 Shenton Road. It is a requirement of cl.37A in TPS3 that any windows and balconies facing residential land be obscured to a height of 1.8m. The revised plans submitted to the Town have screened all affected windows to comply with cl.37A.

While objections to overlooking across Shenton Road have been received the northern elevation of the proposed building does not require screening as the residential properties are separated from the proposed building by a 20m road reserve and a 6.6m front setback to the development. Notwithstanding, the potential for overlooking was assessed under the general provisions of cl.76. As discussed previously in this report, the potential for overlooking of these properties is diminished due to existing and proposed landscaping on site and verges on both sides of the street. Accordingly, additional screening is not considered necessary.

Student numbers, traffic and cycling

One submission queries whether the school can be trusted to abide by existing caps on student enrolments. As detailed above, the current student and staff limit is 1623 day students (1785 students with boarders) and 190 full-time (273 full-time equivalent) staff. As student numbers must be publically reported every year and form part of government funding models it is not possible to exceed these numbers without the Town's knowledge.

A second submission questioned whether the school supports cycling as an alternative mode of transportation for staff and students. This is covered in the college's TMTP. The TMTP notes that there are several cycling routes surrounding the school and sufficient facilities within the grounds (bike racks, lockers and showers) and the proposed building includes shower, lockers and change rooms for senior school staff. This proposal is to include end-of-trip facilities (staff change rooms and showers). Student end of trip facilities are located as part of the adjacent college gymnasium below the Dickinson Centre. See further comments below on the approved TMTP.

Need for a Construction Management Plan

Several submissions requested to know how the construction works would impact upon them. Developments of this scale typically require a Construction Management Plan to identify factors that may impact on neighbours during construction including hours of construction, delivery times and locations, storage of materials, tree protection during works, construction vehicle and worker parking, temporary road/footpath closures, dust control and other related matters. If the development is approved, a condition requiring this is recommended including a requirement to notify nearby residents prior to footpath or road closures.

Traffic Management and Transport Plan (TMTP):

The middle school approval (DA2011.106) required a TMTP to reduce traffic and parking problems surrounding the school. This plan was endorsed by Council at its Ordinary Council Meeting on 19 July 2016. The endorsement required an audit six months after the opening of the college's early learning centre in February 2017, however the audit was delayed and due to a conflict with year 12 students finishing towards the end of 2017, it was deferred to February 2018. The audit is currently being undertaken and will be forwarded for Council consideration in March 2018 once sufficient traffic data has been collected and analysed. It is noted however, that casual observations of traffic generated by the early learning centre (and senior school) in Stirling Road (north of Shenton Road) has substantially improved since the opening of the Kott Terrace extension, and it is not expected that the audit will identify the need for further modifications.

The current application has little impact on the TMTP as there is no increase in student or staff numbers, just a rearrangement of the site buildings and allocated parking. As part of the application, a Technical Note has been provided by the traffic engineers who prepared the TMTP to assess any impacts of the proposed development on traffic flow and circulation. Apart from the redistribution of traffic and parking, there should be no noticeable impacts on traffic flow as student and staff numbers remain consistent. The relocation of the 14 car bays (plus 1) to the senior school campus will have minimal impact on local streets. Notwithstanding, additional car bays to be located to the north of the senior school boarding house would increase traffic in Stirling Road. To address potential concerns over increased traffic in Stirling Road, the plans indicate that these additional bays are only for part-time staff outside of peak pick up and drop off times. While an option may be to open this parking area up to Bellevue Street, such a proposal has not been consulted with owners in this street, it would likely draw resident concern. Should the above audit of the TMTP identify issues of traffic circulation in Stirling Road (north of Shenton

Road), this matter may be readdressed following the audit and consideration of any rectification measures.

Officer Recommendation to JDAP

As this application is to be determined by the JDAP, Council is required to submit its recommendation and accompanying report to the JDAP. The Officer's recommendation to the JDAP is as follows:

Recommend that the Metropolitan West Joint Development Assessment Panel approve the proposed three storey education building at Lot 500 (41) Shenton Road Swanbourne, and associated car parking on Lot 400 Shenton Road, subject to the following conditions and advice notes:

1. Make a recommendation to the Metropolitan West Joint Development Assessment Panel for the approval of a three storey education building at Lot 500 (41) Shenton Road Swanbourne, and all associated car parking on Lot 400 subject to the following conditions and advice notes:
 - 1 All development shall occur in accordance with the approved drawings (DAP/17/01287), as amended by these conditions.
 - 2 Glazing to the northern elevation of the building is to be treated with a non-reflective coating to the satisfaction of the Town of Claremont in the event that glare issues arise from its installation.
 - 3 Prior to the issue of a Building Permit, a Landscaping Plan is to be submitted to and approved by the Town of Claremont. The Plan is to cover all areas adjacent to the proposed development and is to provide soft landscaping and trees to the satisfaction of the Town of Claremont.
 - 4 Prior to the issue of a Building Permit, Dilapidation Reports are to be completed for all dwellings within an area surrounding the site as determined by the Town of Claremont.
 - 5 Prior to the issue of a Building Permit, a Construction and Site Management Plan detailing hours of construction, access to the site, delivery and storage of materials, the parking of tradespersons, dust control and protection of trees/landscaping is to be submitted to and approved by the Town of Claremont and implemented for the duration of construction.
 - 6 All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.

Advice Notes:

- i) 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.
- ii) 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.
- iii) If an applicant is aggrieved by this determination a right of review may exist under the *Planning and Development Act 2005*. An application

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- for review must be lodged with the State Administrative Tribunal www.sat.justice.wa.gov.au within 28 days of this determination.
- iv) This is a Development Approval only and a Building Permit must be obtained from the Town of Claremont's Building Services unit prior to the commencement of any building works. Permits for non-residential development must be certified prior to submission.
 - v) As part of the application for a Building Permit the plans shall be required to comply with the Australian Standards for Disabled Access AS1428.
 - vi) The applicant is required to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.
 - vii) The applicant 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:
 - a) The building is required to be registered as a public building under the *Health (Public Buildings) Regulations 1992*. Application is to be made prior to works commencing (Form 1) and prior to occupation (Form 2). Fees apply. All Structural and electrical connections are required to be submitted prior to certificate of occupation being issued (Form 3 and Form 5).
 - b) 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.
 - c) 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
 - (ii) On a Sunday or on a public holiday.
 - viii) The following advice is provided by the State Heritage Office:
 - a) Consideration could be given to reinstating the original detailing to the south elevation of the original 1905 additions following demolition of the 1912 addition.
 - b) The new oval is in the location of the original 1907 gymnasium, and this area is identified as an archaeological zone in the Conservation Plan. We would recommend that a historical archaeologist is consulted if evidence of this earlier structure is found during excavation works.
 - ix) Staff and student numbers are not to exceed 1623 day students (1785 students with boarders) and 190 full-time (273 full-time equivalent) staff, as established under DA2015.00067 and the subsequent Traffic
-

- Management and Transport Plan, without further approval from the Town.
- x) The Traffic Management Transport and Plan required under DA2011.106 is to be fully audited with a report being lodged with Council prior to the end of March 2018.
 - xi) Demolition and redevelopment of buildings shown in the Appendix 2 drawings (DA20, DA21 and DA22) do not form part of this approval, and will require a formal Development Approval prior to commencement of any works.
2. Authorise staff to prepare a Responsible Authority Report in the required format for submission to the Metropolitan West Joint Development Assessment Panel.

Summary

Based on the above, it is recommended that the above recommendation be supported by Council and the Officer's Report be forwarded to the JDAP.

Voting Requirements

Simple majority decision of Council required.

Officer Recommendation

Moved Cr Browne, seconded Cr Goetze

That Council:

1. **Support the Officer Recommendation to the Metropolitan West Joint Development Assessment Panel that Development Approval be granted for the proposed three storey Education Building for Scotch College at Lot 500 (41) Shenton Road, Swanbourne and associated car parking on Lot 400 subject to the conditions and advice notes detailed in the Council report.**
2. **Authorise the Executive Manager Planning and Development to forward a Responsible Authority Report on the application to the Metropolitan West Joint Development Assessment Panel.**

**CARRIED(31/18)
(NO DISSENT)**

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13.3.2 LOT 100 (5A) LANGSFORD STREET, CLAREMONT- ADDITIONS AND ALTERATIONS TO EXISTING HERITAGE DWELLING

File No:	A-2326
Attachments – Public:	Plans (Attachment 1) Location and Submission Plan (Attachment 2) Photograph (Attachment 3)
Attachments – Restricted:	Submission (R-Attachment 1)
Responsible Officer:	David Vinicombe Executive Manager Planning and Development
Author:	Nick Bakker Senior Planner
Proposed Meeting Date:	6 March 2018
Date Prepared:	20 February 2018
Development App. No.:	DA2017.00183
60 Days Due Date:	27 December 2017
Property Owner:	Holly Telford
Submitted By:	Manuela Gioia (Terra Design Studio)
Lot No.:	100
Area of Lot:	371m²
Zoning:	Residential
Financial Implications:	Nil
Enabling Legislation:	<i>Planning and Development Act 2005 (PDA) Town Planning Scheme No. 3 (TPS3) Residential Design Codes (RDC) Local Planning Policy 2/2015 - Retention of Heritage Places, Heritage Areas and Heritage Precincts (Heritage Policy) Residential Amenity Policy LV129</i>

Summary

- Application for Development Approval received for additions and alteration to a heritage dwelling at 5A Langsford Street.
- The development complies with relevant TPS3, RDC and Council Policy requirements.
- A Development Application is required in this instance as the property is listed on the Town's-Local Government Inventory (LGI) and Heritage List (HL).
- Initial assessment of the proposal indicated a variation to the Deemed-to-Comply (DTC) requirements of the Residential Design Codes (RDC) relating to walls built up to a side boundary. Two Neighbours were consulted and one submission was received.

- Further analysis of the RDC provisions relating to buildings up to a side boundary found that the DTC requirements for walls up to boundaries comply; however the southern neighbour's objection remained a relevant planning consideration relating to the heritage listing of the property.
- The proposal includes a storey ensuite facing south and built into the existing roof line based on a dormer window style feature which is provided for under Local Planning Policy 2/2015 - Retention of Residential Heritage Places, Heritage Areas and Heritage Precincts (Heritage Policy), both in terms of its impacts on the heritage values of the dwelling itself, and the Heritage Area streetscape.
- Given the compliance with Council Policies relative to Residential Amenity, and as the proposal exceeds the relevant requirements of the RDC, it is recommended that the application be approved.

Purpose

The application proposes ground floor additions consisting of a new laundry and kitchen between the existing dwelling and the southern boundary and the addition of a master bedroom and ensuite to the upper floor. The application requires the Council's determination due to neighbour objections.

Background

The following table outlines key dates regarding this proposal:

Date	Item/Outcome
28 October 2017	Development Application received by Council.
8 November 2017	Application undergoes internal DCU assessment.
9 November 2017	Additional information requested from applicant.
14 November 2017	Application undergoes full assessment.
15 November 2017	Advertising commenced.
30 November 2017	Objection submitted by southern neighbour.
31 November 2017	Objection forwarded to applicant.
12 December 2017	Additional information and amended plans received from applicant.
22 January 2018	On site meeting with neighbour to discuss objection and amended plans.
20 February 2018	Report prepared for Council

Past Resolutions

There are no past Council resolutions relevant to this application.

Heritage

The property is listed on the Town's Local Government Inventory (LGI) and Heritage List (HL) Places as a Category B property, making 'some contribution' to the Langsford Street Heritage Area. As such the application was referred to the Town's Heritage Officer and the following comments have been made in regards to the proposal:

"It is noted the place makes 'some contribution' to the Category B Heritage Area. The property is the southern half of a 1944 duplex pair, making it the last building to be erected in Langsford Street, the others being built pre-WWII.

The key aspect of the proposal is for an additional storey within the roof space. The relevant Heritage Policy requirement is:

- Double storey additions contained within the roof space are encouraged provided alterations to the roof form and pitch do not distort the appearance of the original building when viewed from the street.

Dormer style additions are considered consistent with Heritage Policy and the issue is the visual impact. Although set back from the front of the property, and slightly hidden by the front roof, the dormer will have some impact on the symmetry of the duplex, as shown in a 3D perspective provided by the applicant (Attachment 1). Although the introduction of a dormer to one of the pair somewhat disrupts the symmetry of the building, Council's Heritage Policy encourages the use of roof space for additions rather than two storey additions which have a greater impact on the heritage values of a place. As a consequence, and noting the place only makes some contribution, the loss of symmetry does not have sufficient impact on the heritage values of the building to outweigh the advantages of a dormer addition.

Significant changes to the Langsford Street Heritage Area would include demolition, or the introduction of a two storey façade to the streetscape. The rhythm of the streetscape is not significantly affected by this dormer style addition, as there is no increase in height of the building and the front façade remains unchanged. As a consequence, there are no significant impacts on the heritage values of the Heritage Area.”

Consultation

The application was advertised in accordance with Council Policy on Advertising of Development Applications LG525.

Two neighbours were consulted and one objection (in two parts) was received. A summary of the submission and responses is provided as follows:

Submission Received		
Address:	7 Langsford Street, Claremont	
Submission 1	Applicant Comment	Officer Comment
The proposed plans are inaccurate in showing the property levels of 5A Langsford Street and 7 Langsford Street to be equal. This is not the case with my property being at a lower level.	Not able to determine the exact difference in levels between the two properties as do not have access to the neighbour's site. However any difference in levels is relatively minor and the overshadowing will still be under the 25% permitted by the RDC.	The plans accurately show the levels existing at 5A Langsford Street which the Town is satisfied with as the levels on the subject site are used to assess the proposal under the side setback provisions of the RDC. However the Town requested the applicant update the overshadow diagram to reflect the 'worst case' difference of 300mm in levels. The plan provided by the applicant shows that overshadowing is still compliant at 19% when 'worst case' levels at 7 Langsford Street are taken into account.
The proposed addition to the dwelling on 5A Langsford Street are in breach of the RDC and I strongly object to the proposal.	N/A	The "walls" technically comply with the DTC requirements of the RDC as the northern wall is a party wall under the roof with 5B Langsford Street and not technically assessed as a building up to a side boundary. Therefore the proposed southern wall with a 530mm

<p>Boundary setbacks are designed to achieve several objectives and some protection to existing properties. The proposed plan does not meet those objectives and would:</p> <ul style="list-style-type: none"> • Reduce adequate daylight, direct sun and ventilation to my dwelling and open space within my Property. (This would be increased because of the level difference between the two properties) • There would be a considerable change to the current open space patio on my property and an unacceptable visual impact from the proposed boundary wall. • The plans for the proposed development show that the rooms on the boundary fence line are a bathroom and a toilet. I believe the noise generated by these rooms without setback would not be preferable for aesthetic reasons and would reduce the ambience of the well-used open space/courtyard on the north side of my property. That is simply unfair. 	<p>Due to the nature of the block and limiting original living space we have sought the support from our neighbours and the Claremont Council to consider our proposal for building 530mm from boundary line, a mere 18% of 5A Langsford Street total length of plot. In addition, no glazing has been proposed to the southern boundary wall to maximize the privacy of 7 Langsford Street</p>	<p>setback from the boundary results in buildings up to one side boundary only as permitted under the DTC provisions.</p> <p>This objection is in relation to a compliant wall built up to 530mm from the boundary and is no longer a valid planning consideration. Under RDC cl.2.5.4 the Council cannot refuse this aspect of the application.</p> <p>Although not required to be assessed under the Design Principles (DPs) of the RDC, the wall is unlikely to have an adverse impact on light and ventilation of either the extension of the neighbouring property and will increase privacy between the two dwellings as there are no openings.</p>
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Second submission	Applicant Comment	Officer Comment
<p>In showing the southern wall of the kitchen/bathroom of the proposed addition to 5A Langsford Street differing heights on Diagram Section 3 to Diagram Section 2. If the height shown of the southern wall of the Section 3 is correct then that wall would be over 3341 above the slab and if that is added to the (at least) 30cm difference in height of the properties then that will be a breach of the rules and accentuates the reduced setback proposed.</p>	<p>N/A – No comment required</p>	<p>At a meeting with the objecting neighbour on 22 January 2017 the Town advised that the plans are in fact accurate and the 3341mm level referred to is the internal ceiling height which has no bearing on the height of the external face of the proposed wall. The plans clearly show the proposed wall being a height of 3m above the levels existing at 5A Langsford Street which complies with the DTC provisions of the RDC.</p>
<p>Finally the proposed additions (e.g. the proposed dormer (first level)) provides a significant change to the streetscape of Langsford Street, one of the most beautiful streets in this Claremont Council supported Heritage Precinct. Please consider my objection and submission that the Residential Design Codes are not being met.</p>	<p>N/A – No comment required</p>	<p>See the Town's Heritage Officer's comments above.</p> <p>It is noted that during discussions with the neighbour a request was made for a traditional heritage roof to be added to the current proposal. This was presented to the applicant but was not supported on the basis of considerable additional costs. It would also make the extension more dominant in the streetscape due to the increased height, create a further imbalance in the symmetry of the duplex and remove the subtleties of the present 'dormer' styled design.</p> <p>Although the site is extremely narrow (8m wide) and there is very limited space for an addition to accommodate extensions, the applicant has gone to considerable effort to exceed the compliance requirements of the RDC (inclusive of setting the wall further back from the boundary than originally proposed and provision of screening for the ensuite window above 1.6m – not required by the RDC and complaint with Council Residential Amenity Policy – LV129) in an attempt to address the neighbour's concerns; however the objection has not been withdrawn.</p>

A full copy of the submissions are attached to this report (R-Attachment 1).

Discussion

Description

The application proposes a two storey addition to a heritage dwelling located at 5A Langsford Street. The ground floor additions consisting of a new laundry and kitchen between the existing dwelling and the southern boundary, and the addition of a master bedroom and ensuite to the upper floor. The ground floor extension proposes a 9m long wall setback 530mm from the boundary. A wall closer than 600mm to a boundary is considered to be a “boundary wall” under the RDC.

Compliance

The development complies with relevant TPS3, RDC and Council Policy requirements, with a Development Application being required in this instance as the property is listed on the Town’s LGI and HL.

The wall proposed up to the southern side boundary is in compliance with the RDC provisions as it is considered the sole wall proposed up to a side boundary and complies with the length and height requirements under the DTC provisions of the RDC. Accordingly the neighbour’s objections to the wall are not valid. Clause 2.5.4 of the RDC prohibits Council from refusing this aspect of the development. Notwithstanding, the wall will have minimal impact on the adjoining property given its setback and length and has been assessed to also comply with the DP requirements of the RDC.

The Neighbour’s submission raised concerns with the accuracy of the levels shown on the plans and setbacks. The applicant has provided additional information regarding levels on both properties and the Town is satisfied these are now accurate. In order to address the neighbour’s concerns the applicant has amended the plans to increase the boundary wall setback from 450mm to a 530mm setback from the southern boundary, and also proposes to clad the upper floor addition to reduce the visual impact of the proposal on the neighbour.

The Neighbour’s submission raised also concerns regarding the impact the proposed upper floor addition will have on the heritage value of the area and the dwelling. As noted above, the Town’s Heritage Officer has supported the proposal as it is in compliance with Council’s Heritage Policy and will have no significant impact on the streetscape.

Summary

Although the proposal the compliance requirements of the relevant TPS3, RDC and Council Policy requirements, the applicant has made every effort to accommodate the neighbour’s requests. Based on the above, it is recommended that approval be granted subject to the conditions in the Officer’s recommendation.

Voting Requirements

Simple majority decision of Council required.

Officer Recommendation

Moved Cr Tulloch, seconded Cr Goetze

That Council grant Development Approval for the proposed two storey additions and alterations to the existing dwelling at Lot 100 (5A) Langsford Street Claremont, subject to the following conditions and advice notes:

- 1. All development shall occur in accordance with the approved drawings (Development Application DA2017.00183), as amended by these conditions.**
- 2. The south facing window to the upper floor bathroom is to have a fixed/awning design and obscure glazing to a minimum height of 1.6m to prevent overlooking of the adjacent property. Details are to be shown on the application for a Building Permit.**
- 3. A Construction and Site Management Plan detailing access to the site, the delivery and storage of materials and the parking of tradespersons is to be approved by the Town of Claremont prior to the issue of a Building Permit and implemented for the duration of construction.**
- 4. 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.**
- 5. All storm water is to be retained on the site. Details are to be provided on the application for Building Permit.**

Advice Notes:

Note 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.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 Days of the determination.

Note 4: 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.

Note 5: This property is listed on the Town of Claremont's Heritage List. Any future alteration to the building or development on the land requires

Development Approval and the application may be referred to the Heritage Council.

Note 6: The applicant/owner is advised to liaise with the adjoining landowners where trees, vegetation, dividing fences or other structures may be affected due to work on, or near the property boundaries.

Note 7: 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(32/18)
(NO DISSENT)

14 ANNOUNCEMENTS BY THE PRESIDING PERSON

Mayor Barker commended Cr Tulloch's Terrace Nights initiative and registered his apology at the Scribblers Festival launch held on 1 March 2018.

Cr Kelly reported he will be attending the WALGA State Council Meeting on 6 March 2018.

Cr Tulloch reported on his attendance at the Terrace Nights event.

Cr Main reported on her attendance at the FORM Gloria exhibition at the Goods Shed.

Cr Goetze reported on her attendance at the FORM Gloria exhibition at the Goods Shed, Scribblers Festival launch, WALGA tour of the Good Samaritans facility in Balcatta, the 'History in a Cup' event with Karen Wood, and the Estonian Consulate's 100 year celebration of independence.

Cr Franklyn reported on her attendance at a meeting with traffic engineers whilst in the Netherlands on the development of its cycle network over the last 40 years.

Cr Browne reported on his attendance at the Terrace Nights event and the FORM Gloria exhibition at the Goods Shed, and the Licenced Premises Meeting held 22 February 2018.

Cr Haynes reported on his attendance at the Licensed Premises Meeting.

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