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Executive Summary

Background

Purpose
The Town of Claremont adopted its Housing Capacity Study in November 2012 to identify constraints and opportunities relating to the housing targets included in Directions 2031 Draft Central Metropolitan Perth Sub-Regional Strategy (CMPSS) which will inform the future review of the Town of Claremont’s Local Planning strategy, Clearly Claremont.

This report is in response to the recommendations of the Claremont Housing Capacity Study concerning Stirling Highway to provide the following:

1. Support and progression of the drafting of a Local Scheme Amendment to reflect Metropolitan Region Scheme (MRS) Amendment No. 1210/41 with suitable commercial and residential zoning and density coding along Stirling Highway.
2. A set of draft statutory and policy planning tools to control redevelopment, reduce amenity impacts, take into account topographical variances with adjoining land and protect local heritage sites and the amenities of lower density surrounding areas along Stirling Highway.

Stirling Highway Access Control Study
The Stirling Highway Activity Corridor Study (SHACS) is an integrated transport and land use planning study being undertaken by the Department of Planning (DoP) at the request of the Western Australian Planning Commission (WAPC) and consists of two interrelated and staged studies:

- Phase 1: A preliminary carriageway design for Stirling Highway (MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation); and
- Phase 2: A staged urban design and form based code study to guide built form and redevelopment opportunities in a sustainable planned manner (yet to be progressed).

MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation generally shows a reduction of the Primary Regional Road (PRR) reservation to approximately 40 metres in width with the balance of the land proposed to be rezoned as Urban (and Parks and Recreation for a small section between Bay View Terrace and Bernard Street).

Officers from DoP have indicated that a decision from the Minister for Planning on the proposed amendment is expected around mid-2014 following consideration by the WAPC.

When MRS Amendment No. 1210/41 is adopted, land no longer affected by the PRR reservation will remain unzoned within the respective local planning schemes.

It is recommended that Council takes the initiative to develop its own set of design guidelines and other planning tools rather than await finalisation of Phase 2 of SHACS.

This report is has been based on the proposed extent of the Stirling Highway reservation as shown in the MRS Amendment No. 1210/41 plans as were advertised for public comment.

Planning Context
The expectations of the State Government is that local governments, including the Town of Claremont, will take positive action to support population and dwellings growth under the framework of Directions 2031 and the CMPSS targets. It is likely that the government will require changes to any proposals where they are seen to be not supporting Directions 2031.

The Study Area
The study area comprises of 146 properties and generally includes land along the length of Stirling Highway as it traverses the Town of Claremont, from south of Airlie Street.
(Amana/Sundowner site) to Loch Street and is detailed in Attachment 1 – Notional Study Area.

The study area involves land on both sides of the highway (where applicable to the Town of Claremont boundary) generally to a depth of the largest existing lot within each street block and following cadastral boundaries. The most obvious exception to this where the study area includes part of the Town Centre and includes the entire block back to St Quentin Avenue. A conscious effort has been taken to keep the study area to a minimum to maintain separation from existing low density family homes.

The study area is predominantly characterised by residential development to the west of approximately Stirling Street; with higher order commercial and civic development (being the town centre) around the mid-section; and other mixed commercial and residential development east of the town centre.

Residential development along the highway is a mix of low, medium and high density throughout the study area, with lower densities further back from the highway.

Based on the assessment scores, analysis maps were prepared to illustrate a pattern of potential redevelopment and determine potential ‘hot spots’ for likely future development activity. Assessment did not include any liaison or consultation with existing land owners to determine their development intentions or desires for each property.

**Development Principles, Typologies and Precincts**

A series of development principles were established addressing such issues as building size, scale, street interface, land use, vehicle access and parking to inform conceptual design work.

A range of building typologies responding to those principles are identified and illustrated. Three dimensional (3D) ‘Sketch-up’ massing models of the redevelopment prospects based on the principles and typologies were developed to illustrate the overall form of redevelopment within the study area and enable estimates of yield.

As a result of the study area assessment and analysis, three distinct precincts were identified in the study area:

1. **Precinct A - Western Residential** (generally land on both sides of the highway west of Stirling Road typified by uses of a residential nature and two private school campuses, with a noticeable absence of commercial activity).

2. **Precinct B - Central Town Centre** (generally land on both sides of the highway between Stirling Road and Mary Street comprising of retail, commercial and civic activity).

3. **Precinct C - Eastern Highway** (generally land on both sides of the highway east of Mary Street and is a mix of other commercial-type activity traditionally associated with strip highway development, with some interspersed residential activity apparent).

**Urban design concept development**

**Assessment and analysis of potential development sites**

A desktop and on-site assessment of properties was undertaken to determine the likelihood and timing of redevelopment in the foreseeable future.
A 3D model of the redevelopment prospects for the sites most likely to be developed was interrogated to measure floor space areas, which were then converted to a plot ratio. Based on an average unit size of 75sqm, an indicative dwelling yield for these lots was calculated. This generally informed the determination of density, which was different for each of the precincts.

Density Modelling
Based on the redevelopment prospects for the sites, the urban design principles and the building typologies, a range of density models were considered for the study area, including:

**Progressive (Preferred)**
- Western Residential Precinct: R80
- Central Town Centre Precinct: R-AC0
- Eastern Highway Precinct: R100

**Modest**
- Western Residential Precinct: R60
- Central Town Centre Precinct: R-AC0
- Eastern Highway Precinct: R80

**Conservative**
- Western Residential Precinct: R40
- Central Town Centre Precinct: R-AC0
- Eastern Highway Precinct: R60

**Staged**
- Western Residential Precinct: no change yet (R15-R40)
- Central Town Centre Precinct: R-AC0
- Eastern Highway Precinct: R100

The preferred density modelling (‘Progressive’) for the Stirling Highway residential concept relating only to those properties identified as more likely to be developed, results in a redevelopment yield of 1,130 dwelling units. This does not include the Amana (Sundowner) site, which could result in up to approximately a further 400 dwellings.

The Consultant’s believe that this option is the most desirable and viable option for the following reasons:

- It provides sufficient incentive, flexibility and viability for landowners to initiate development;
- It is more likely to result in higher quality development;
- Lower densities may pose a greater risk of seeing less redevelopment occur, or seeing interim development in a form that may be of lower quality; and
- It more than satisfies the State Government’s housing targets well into the future.

Design Guidelines
As part of the concept development, a short suite of illustrated design guidelines suited to the anticipated building typologies were developed to capture and elaborate on the identified development principles within each of the precincts. These form the basis for a separate Design Guidelines document for consideration of adoption as Local Planning Policy (LPP) under Town Planning Scheme No. 3 (TPS3).

Scheme Provisions and Development Assessments
Changes are suggested with regard to TPS3 to reflect MRS Amendment No. 1210/41 based on the outcome of the design concept and guidelines process. This includes consideration of the introduction of increased residential density coding of R80 in the Western Residential Precinct, R-AC0 in the Central Town Centre Precinct and R100 in the Eastern Highway Precinct.

Suggested changes also include other scheme provisions to implement the concept and effectively control development and protect local heritage sites and the amenities of lower density surrounding areas.

A draft LPP which incorporates the design guidelines prepared in earlier stages is provided for consideration for adoption.
Part One: Background

Introduction
Town of Claremont Housing Capacity Study
In November 2012, the Town of Claremont adopted its Housing Capacity Study to identify constraints and opportunities relating to the housing targets included in Directions 2031 Draft Central Metropolitan Perth Sub-Regional Strategy (CMPSS), which will inform the future review of the Town of Claremont’s Local Planning strategy, Clearly Claremont.

Stirling Highway Activity Corridor Study
The Stirling Highway Activity Corridor Study (SHACS) is an integrated transport and land use planning study being undertaken by the Department of Planning (DoP) at the request of the Western Australian Planning Commission (WAPC) and consists of two inter-related and staged studies:

- Phase 1
  A preliminary carriageway design for Stirling Highway to accommodate bus priority lanes, cycle lanes, dedicated right turn lanes, median strips for pedestrian safety and landscaping, and to generally improve both the environment and safety of the Stirling Highway activity corridor; and

- Phase 2
  A staged urban design and form based code study to guide built form and redevelopment opportunities in a sustainable planned manner.

Phase 1 was available for public comment until mid-2012 as MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation, which includes the area of Stirling Highway through Claremont. This amendment has not yet been finalised and therefore, Phase 2 is yet to be progressed.

In the context of the Central Metropolitan Perth Sub-region Planning Strategy (CMPSS), the Stirling Highway Growth Corridor is identified to have a potential for an additional 1400 dwellings with possibly up to 400 dwellings in Claremont.

MRS Amendment No. 1210/41 does not deal with residential density or built form, only the Stirling Highway road reserve. Redefining the Primary Regional Roads (PRR) reservation will assist in identifying the physical extent of any future land use opportunities.

The CMPSS indicates that the rationalisation of the reserve will result in significant development opportunities and it is expected that the WAPC will press for increased residential densities as a way to help compensate land owners, where property is taken for the future road widening.

Amongst a range of other recommendations, the Claremont Housing Capacity Study recognises that it is essential for the Town of Claremont to take the lead in the preparation of the urban design study for the Claremont portion of the Stirling Highway Activity Corridor.

Purpose of this Report
This report is in response to the recommendations of the Claremont Housing Capacity Study concerning Stirling Highway to provide the following:

1. Support and progression of the drafting of a Local Planning Scheme Amendment to reflect MRS Amendment No. 1210/41 with suitable commercial and residential zoning and density coding along Stirling Highway.
2. A set of draft statutory and policy planning tools to control redevelopment, reduce amenity impacts, take into account topographical variances with adjoining land and protect local heritage sites and the amenities of lower density surrounding areas along Stirling Highway.
State Government Context

As identified in the adopted Claremont Housing Capacity Study, the expectations of the State Government is that local governments, including the Town of Claremont, will take positive action to support population and dwellings growth under the framework of Directions 2031 and the CMPSS targets. It is likely that the government will require changes to any proposals where they are seen to be not supporting Directions 2031.

The updated housing target for the Town of Claremont is an additional 760 dwellings by 2031 (250 by 2011-16; 180 by 2016-21; 180 by 2021-26; 180 by 2026-31). Approximately 400 of these dwellings are expected to be located in the vicinity of Stirling Highway. The encouraged housing mix for Central Sub-region includes: 1 bed 10-20%; 2 bed 30-40%; 3 bed 30-40%; 4 bed 1-25%.

The Claremont Town Centre is defined as a secondary centre under the WAPC’s State Planning Policy 4.2 - Activity Centres for Perth and Peel. It is likely that in a review of the Claremont TPS3, the State will seek amendments to ensure increased density of residential development (using the minimum of 25 and desirable level of 35 dwellings per gross hectare) for a secondary centre.

The WAPC’s State Planning Policy 3 – Urban Growth Settlement and Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development assist in reinforcing the broader strategic planning objectives of the State Government and are aimed at requiring local governments to take these matters into consideration when planning and development control decisions are being made.

The importance of utilising transit networks to their full potential by encouraging development within close proximity to the node and/or corridor and ensuring the highest and optimum use of the land must be considered. Higher residential density is encouraged generally within 800m of railway stations and 400m from high frequency bus service stops.

The Town has raised concern with these broad principles as it is considered that a broad brush density approach surrounding the railway stations and along the high frequency bus routes will have a significant impact on the historic and generally high quality residential living environments within the Town.

Figure 1 - Heritage properties within railway station catchments demonstrates the extent of the impact of such an approach, as it highlights the significant number of heritage properties located within the railway station catchments.
Local Context

The Town of Claremont Local Planning Strategy 2010-2025 (Clearly Claremont) provides a (non-statutory) general policy based planning framework to guide land use and development which is ultimately to be reflected in the Local Planning Scheme (statutory) and Local Planning Policies (non-statutory).

The Town of Claremont Local Planning Policies LIV123 – Retention of Residential Character and LIV124 – Retention of Residential Heritage, along with other sets of design guidelines such as the Municipal Inventory (currently under review) for certain development areas provide more specific guidance for adaptation and change. Although not part of the Town of Claremont Planning Scheme, these LPPs are adopted under the provisions of the Scheme and must be taken into consideration in decision-making.
The Study Area
What the study area includes and why
The study area comprises of 146 properties and generally includes land along the length of Stirling Highway as it traverses the Town of Claremont, from south of Airlie Street (Amana/Sundowner site) to Loch Street, as detailed in Attachment 1 – Notional Study Area.

The study area involves land on both sides of the highway (where applicable to the Town of Claremont boundary) generally to a depth of the largest existing lot within each property block and following cadastral boundaries. The most obvious exception to this where the study area includes part of the Town Centre and includes the entire block back to St Quentin Avenue.

A conscious effort has been taken to keep the study area to a minimum to maintain separation from existing and often historic or high quality low density family homes.

It is also noted that the Town of Claremont Council Offices and Library site has not been included within the study area.

General Description
The study area is predominantly characterised by residential development to the west of approximately Stirling Street; with higher order commercial and civic development (being the town centre) around the mid-section; and other mixed commercial and residential development east of the town centre.

Residential development along the highway is a mix of low, medium and high density throughout the study area, with lower densities further back from the highway.

There are two main sites of aged persons’ accommodation in the western section of the study area, these being the Amana (Sundowner) development at Airlie Street and the St Louis Estate between Albert and Dean Streets. There are also two private school campuses in this vicinity, being the Methodist Ladies College and Christchurch Grammar, both with boarding schools for temporary accommodation throughout the school year.

There is no significant residential development currently within the part of the study area that is adjacent to the Town Centre, other than the mixed use development on the north east corner of Stirling Street and Stirling Highway and the ‘Freshwater’ development currently under construction opposite this. Within the Town Centre (not in the study area); however, there is considerable residential development as part of the mixed use development at Claremont Quarter. There is a range of commercial uses fronting Stirling Highway in this section of the study area including fast food outlets, offices and retail.

East of the town centre, existing residential development is predominantly interspersed between other commercial type activities rather than being part of mixed use sites.

The study area is generally bordered to the north and south by single family homes of one or two storeys, with the exception of the town centre where high rise mixed commercial at the Claremont Quarter and residential development exists to the north, with parks and civic uses to the south.
Project Methodology

Assessment and analysis of potential development sites

Following review of available background information (for example heritage listings, previous studies, proposed road reservations, height data, land contours, existing development) and identification of the notional study area, an on-site assessment and photography of building stock was undertaken to determine the likelihood and timing of redevelopment in the foreseeable future.

Assessment criteria included a range of factors including lot and building features, ownership and development, heritage significance, access to a rear lane and train station.

These elements were considered as being either likely to encourage or present some challenge to redevelopment in the short to medium term and scores were applied to each category accordingly. An explanation of whether the element was considered to be ‘positive’ or ‘more challenging’ in terms of encouraging redevelopment, together with the scores aligned to each factor, is detailed in Attachment 2 - Assessment Criteria and Scoring.

Based on the assessment scores, analysis maps were prepared to illustrate a pattern of potential redevelopment and determine potential ‘hot spots’ for likely future development activity.

It is noted that the investigations into the development potential of the properties within the study area did not include any liaison or consultation with existing land owners to determine their development intentions or desires for each property.
Urban design concept development
A series of development principles were established addressing such issues as building size, scale, street interface, land use, vehicle access and parking to inform conceptual design work. A range of building typologies responding to those principles were identified and illustrated.

Three dimensional (3D) ‘Sketch-up’ massing models of the redevelopment prospects based on the principles and typologies were developed to illustrate the overall form of redevelopment within the study area and enable estimates of yield. The preparation of the models also considered the preferred location for vehicle access to minimise potential impacts in Stirling Highway and the adjacent residential streets.

At this stage, it is assumed that there is either sufficient capacity on the local service infrastructure of that the service utilities will be able to upgrade the infrastructure to provide the necessary capacity to cater for future demand, which is their principal function.

As a result of the study area assessment and analysis, it became evident that the study area could be characterised in three distinct sections or precincts having common objectives and principles for development (Precinct A: Western Residential, Precinct B: Central Town Centre and Precinct C: Eastern Highway).

A 3D model of the sites most likely to be developed was interrogated to measure floorspace areas, which were then converted to plot ratio. Based on an average unit size of 75sqm, an indicative dwelling yield was calculated. This generally informed the determination of density options, which was different for each of the precincts.

Design Guidelines
As part of the concept development, a short suite of illustrated design guidelines suited to the anticipated building typologies were developed to capture and elaborate on the identified development principles within each of the precincts. These form the basis for a separate Design Guidelines document for consideration of adoption as LPP.

Scheme Provisions and Development Assessments
A draft local planning scheme amendment proposal to reflect MRS Amendment No. 1210/41 is recommended based on the outcome of the design concept and guidelines process. This includes consideration of introducing increased residential density code options ranging from no change at this time (R15-R40) to R80 in the Western Residential Precinct, to R-AC0 in the Central Town Centre Precinct and R60 to R100 in the Eastern Highway Precinct.

A set of draft changes to scheme provisions is presented for consideration to implement the concept and effectively control development and protect local heritage sites and the amenities of lower density surrounding areas.

A draft LPP which incorporates the design guidelines prepared in earlier stages is provided for consideration for adoption under the terms of TPS3.

Consultation
The Consultants (Planning Context and Mackay Urbanscape) have held workshops with the Town of Claremont planning staff and elected Council members to develop the proposed development concept and the supporting planning mechanisms for implementation.

Land owners have not been consulted or involved with the outcomes of this study.

Public consultation will occur through the usual statutory processes involved with amending a local planning scheme and adopting a local planning policy, should the Town of Claremont resolve to initiate these. The Town of Claremont may also decide to hold special public consultation regarding the recommendations made within this report prior to initiating any changes.
Part Two: Assessment and Development Concept

Assessment Outcomes

An assessment of each property was undertaken within the study area to determine the likelihood and timing of redevelopment in the foreseeable future using a range of factors considered as either likely to encourage or be more challenging for redevelopment, and scores were applied to each category accordingly.

Assessment factors included:
- Corner lot
- Vacant lot
- Length of frontage
- Lot size
- Access to rear lane
- Number of owners/tenants
- Significant business operation
- Condition of building stock
- Age of building stock
- Heritage listing/significance
- Significant trees on site
- Views/potential views from upper levels
- Less than 800 metres to train station
- Site slope
- Residential dwellings to the south
- Institutional or civic use

Analysis of the Study Area

The results of the measures allocated to each property for the elements investigated as part of this study are tabled in Attachment 3 – Assessment Scores Table.

Some of the more interesting factors of note from the analysis are outlined as follows:
- There are 56 corner lots within the study area;
- There is limited vacant land in the study area, with only four lots currently undeveloped;
- 37 properties have access to a rear laneway; however, most of these are in the central or eastern section of the study area with a distinct lack of laneway access in the western section;
- Approximately half of the properties are owned by single landowners; however, there are 25 properties that are owned by five or more landowners;
- Most of the existing development in the study area is of fair to good quality; however, 26 properties are identified as having building stock of poor quality;
- Some 20 properties are affected by heritage listing of some kind;
- Many properties (43) located in the western and central sections of the study area have the potential to obtain views across the surrounding neighbourhood (some with potential ocean or river views) or across parkland or playing fields, whereas views are highly unlikely within the eastern section of the study area;
- There are 13 sites where more than one tree of significant size and/or species exists;
- All properties (except six) within the study area are within 800 metres of a train station;
- Approximately half of the properties in the study area are characterised by at least a slight change in level from the Stirling Highway road pavement;
- Some 68 properties, mostly all of which are located on the southern side of the highway, have residential development located to the south.

As mentioned in the Project Methodology section of this report, Attachment 2 - Assessment Criteria and Scoring shows whether the element was considered to be ‘positive’ or ‘more challenging’ in terms of encouraging redevelopment, together with the scores aligned to each factor.

The total score for each property generally determined to which one of the following four categories of potential redevelopment it belonged:

---

1 Based on the Town of Claremont Heritage Master List 28/11/2012. This list is currently under review and any changes may alter the assessment scores relating to likelihood of redevelopment for those properties.
1. Strong likelihood of redevelopment.
3. Limited likelihood of redevelopment.

Based on the total assessment scores, Attachment 4 - Analysis Maps illustrates the pattern of potential redevelopment, notionally identifying ‘hot spots’ for likely future development activity.

There is no particularly obvious or significant pattern that emerges from the mapping, other than a relatively large section of land in the western part of the study area in the vicinity of the private school campuses and the heritage site on Queenslea Drive, which should not be considered as likely contenders for contributing to residential development sites in the near future.

**Stirling Highway Residential Development Concept**

Based on the analysis and outcome of the assessment, a residential development concept (together with and objectives and principles) has evolved for the Stirling Highway area within the Town of Claremont.

The study area logically separates into three distinct precincts of similar character and objectives. These are graphically depicted in Attachment 5 - Stirling Highway Residential Development Concept – Precincts and defined as follows:

1. **Precinct A - Western Residential**
   This area generally consists of land on both sides of the highway, west of Stirling Road. It is typified by uses of a residential nature and two private school campuses, with a noticeable absence of commercial activity (with the exception of the site on the corner of Stirling Road and Stirling Highway which is, in any event, located in Precinct B).

2. **Precinct B - Central Town Centre**
   This generally includes land on both sides of the highway between Stirling Road and Mary Street. It is the civic and commercial hub of the Town of Claremont where it fronts Stirling Highway, comprising of retail and commercial activity and the Council offices/library site and the police station.

3. **Precinct C - Eastern Highway**
   This area generally includes land on both sides of the highway east of Mary Street. It is a mix of other commercial-type activity traditionally associated with strip highway development ranging from small retail to showroom and semi-industrial uses, with some interspersed residential activity apparent.

![Stirling Highway Residential Development Concept](image)

**Objectives**

Objectives of the concept include:

- To improve the visual streetscape appeal and residential amenity of the land adjoining Stirling Highway whilst recognising Stirling Highway’s significance as an important urban arterial road.
- To facilitate a significant increase in the type and number of quality local dwelling units and population, consistent with the Directions 2031 infill targets, without undue detriment to the character of the existing residential areas.
- To estimate the likely extent of redevelopment in the short to medium term.
- To determine the appropriate acceptable scale and form of development for anticipated redevelopment sites.
- To provide an urban design and planning framework to guide and encourage appropriate and responsible redevelopment of a high, yet affordable, quality.
Broad Principles
The broad principles were developed in consultation with the Town of Claremont Planning Department and are based on best practice and sound planning principles. They inform the design process in determining an appropriate built form scale, massing, use and building typology, and to inform subsequent statutory planning controls.

The broad principles for the Stirling Highway Development Concept are outlined as follows, together with a brief justification:

Land use and density
1. Street level commercial activities should be provided on all lots on Stirling Highway between Stirling Road and Loch Street. (Reason: to consolidate the town centre as the main commercial focal point and to establish Claremont’s eastern section of Stirling Highway as a desirable business address, yet change the nature of the street from a car-based retail strip to a more pedestrian friendly street with greater diversity of business activities).
2. Street level commercial activities to address provision of local services may be supported on corner lots on the southern side of Stirling Highway west of Stirling Road, with the commercial activity principally addressing Stirling Highway. (Reason: to encourage the provision of local services and employment and to capitalise on the higher frequency bus services on Stirling Highway, without undue detriment to the residential character of the side streets).
3. Commercial at upper building levels should be generally restricted to lots east of Stirling Road. (Reason: to consolidate the majority of employment activity in the town centre and the eastern section of Stirling Highway).
4. Plot ratio should be derived from the analysis of the resultant plot ratios of an appropriate built form for typical lots along Stirling Highway. (Reason: Building form should be appropriate to the function and nature of the streets they abut with massing of buildings being sensitive to adjoining uses).
5. Residential densities should be increased, with R-Codes derived from the analysis of the resultant plot ratios of an appropriate built form for typical lots along Stirling Highway. (Reason: to ensure that the chosen density code matches the desired built form and encourage a variety of housing types with access to alternative modes of transport and activity, whilst respecting existing residential character).

Access
- Vehicle access from all lots to Stirling Highway should be from a rear lane, easement or a shared access agreement where available, or from a local street where a rear lane, easement or a shared access agreement is not available. (Reason: to reduce/discourage the number of vehicle crossovers to Stirling Highway).
- Vehicle access should only be provided from Stirling Highway where no other alternative is available. (Reason: to acknowledge that in some cases there may be no alternative to direct access from Stirling Highway; to avoid redevelopment being contingent on the prospect of a rear lane being created at some point in the future; and to minimise access points to the highway).
- Vehicle access points should be located to take advantage of existing changes in level to minimise ramp structures to undercroft or decked parking. (Reason: to simplify the parking component of buildings and maximise the efficiency of design and streetscape amenity).
- The main pedestrian access for visitors should be directly from a street, specifically Stirling Highway for commercial uses on corner sites. (Reason: to improve legibility for pedestrians and to ensure that businesses maintain an address to Stirling Highway rather than a residential street, where a choice exists).
Parking
• No surface car parking should be provided on-site forward of the building frontage to any street in respect to new development. This is a principle that goes beyond the more relaxed provision of the R-Codes. (Reason: to transition from a 'highway commercial' environment with multiple crossovers and dominated by cars to an urban environment with high pedestrian amenity).
• Car parking for all new development should be integrated within or located behind buildings and screened from public view. (Reason: to reduce the visual dominance of parked cars and improve pedestrian amenity).

Overshadowing
• Building heights on the northern side of Stirling Highway should be limited to a height that ensures that the footpath on the southern side of Stirling Highway remains in full sun at 12pm on 21 June. (Reason: to maintain pedestrian amenity and passive solar design opportunities. Note: will need to be proved by applicant through shadow modelling as part of development application).
• The maximum extent of overshadowing to adjacent residential houses beyond the study area should be in accordance with the requirements of the Residential Design Codes (R-Codes). (Reason: to provide a reasonable degree of certainty to adjacent residents, particularly on the south side of new development).

Heights and setbacks
• Overall building heights along Stirling Highway should not exceed six storeys (or less subject to overshadowing), except for designated landmark sites2 where a maximum of eight storeys may be permissible subject to specific criteria. (Reason: To maintain an appropriate urban scale to Stirling Highway, whilst enabling emphasis at key locations. Note: The shadow at 12pm on 21 June falling southwards across a 34.5m reserve (proposed MRS reserve) and clearing the southern footpath equates to a maximum building height of 22.5m, sufficient for six storeys).
• Buildings addressing Stirling Highway should have a maximum ‘street wall’ height of four storeys, with subsequent storeys (maximum of an additional four storeys for designated landmark sites, or maximum of an additional two storeys for all other sites) set back by a minimum of 3m from the ‘street wall’. (Reason: to reduce the perceived scale of buildings to enable them to respond to a pedestrian scale. Note: ‘Street wall’ refers to the height of a building at the street building line before any upper level setback. In the case of mixed-use buildings, the street wall may be at the boundary, and in the case of residential buildings, the street wall may be at the setback line).
• Building heights should be progressively reduced in proximity to existing residential houses beyond the study area. ‘Wall height’ to be a maximum of two storeys for those walls adjacent to residential properties beyond the study area (particularly to the south) and storey/s above to be set back sufficiently to be generally unseen from the ground level of the adjacent residential property (Reason: to provide an appropriate transition from an urban scale on Stirling Highway to a suburban scale along the adjacent residential streets).
• Buildings addressing residential streets (other than Stirling Highway and others of commercial nature)3 should have a

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2 “Designated landmark sites” include Amana (Sundowner) on corner of Airlie Street as an entry point to the town from the south; the north west corner of Stirling Highway and Stirling Road as a large prominent corner site and a western entry to the town centre; Bayview Centre on corner of Leura Avenue as a large prominent corner site and an eastern entry to the town centre; and the north west corner of Stirling Highway and Loch Street as a large prominent corner site and an eastern entry to the town.

3 “Residential streets” for this purpose includes Airlie Street, Anstey Street, Osborne Parade, Wilson Street, Prospect Street, Prospect Place, Richardson Avenue, Cliff Road, Corry Lynn Road, Parry Street, Grange Street, Albert Street, Dean Street, Mary Street, Bay View Terrace (south of Stirling Highway), Langsford Street, Vaucluse Avenue, Reserve Street, Walter Street, Brown Street, Bay Road, Goldsworthy, John Street, Queenslea Drive, Freshwater Parade, Chatsworth Terrace, Bernard Street.
maximum ‘street wall’ height of two storeys, with subsequent storeys (maximum of an additional one storey) set back by a minimum of 3m from the ‘street wall’. (Reason: to further reduce the perceived scale of buildings to enable them to respond to a suburban residential scale. Note: ‘Street wall’ refers to the height of a building at the street building line before any upper level setback).

• Buildings addressing non-residential or mixed-use streets in the town centre precinct (other than Stirling Highway) should have a maximum ‘street wall’ height of three storeys, with subsequent storeys (maximum of an additional two storeys) set back by a minimum of 3m from the ‘street wall’. (Reason: to further reduce the perceived scale of buildings to enable them to respond to a more intimate scale in streets that will have a higher degree of pedestrian movement. Note: ‘Street wall’ refers to the height of a building at the street building line before any upper level setback).

• Buildings with street level residential units should be setback from the street as per the standards of the R-Code to which it is applicable. (Reason: to maintain a widely-recognised and acceptable degree of residential amenity).

• Buildings should articulate street corners with a distinctive architectural element. (Reason: to aid legibility. Note: Further definition to be provided in design guidelines).

• Apartments with openings only to Stirling Highway should be avoided. (Reason: to provide healthier natural ventilation options away from a busy road).

• Apartments with openings that have only a southern aspect should be avoided. (Reason: to enable access to winter sun for all residents).

• Apartments should have a principal outlook to an adjacent street or park, or to a garden or a landscaped courtyard within the development boundary. (Reason: to provide an acceptable level of resident amenity).

• Street level residential units within 4m of a street boundary should be raised at least 0.6m above the adjacent street but no more than 1.2 m. (Reason: to provide an acceptable level of resident amenity and increase resident privacy without diminishing the streetscape).

Fencing

• Street fencing in front of ground level residential units should not exceed 1.2m in height and provide for visual permeability – details to be described in the design guidelines. (Reason: to avoid diminishing the quality of the streetscape, especially for pedestrians).

Services

• Service areas and service equipment should be located out of sight from the adjacent public domain - details to be described in the design guidelines. (Reason: to avoid diminishing the quality of the streetscape, especially for pedestrians).

Heritage

• Heritage-listed buildings should be retained, restored and reused wherever possible. (Reason: to maintain consistency with Council’s heritage provisions and policy)

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<sup>4</sup> Non-residential or mixed-use streets in the town centre precinct” for this purpose includes Stirling Road, Avion Way, St Quentin Avenue, Bay View Terrace (north of Stirling Highway), Leura Avenue.
Indicative Development Typologies

To assist with guiding and illustrating desired residential development outcomes, a range of building typologies responding to the concept’s broad principles have been identified. Six typologies are provided for common situations whilst a seventh typology is provided for a specific site.

Attachment 6 - Indicative Development Typologies illustrates these typologies and also shows indicative building cross sections and site plans. This attachment is particularly useful as for each typology it outlines:

- Application: The situation and site characteristics most suited;
- Variations: Possible adaptations to suit certain circumstances;
- Indicative density/yield: Notional lot size, potential dwellings, notional parking requirements, dwellings per site hectare, required R-Code.

The typologies are summarised as follows:

1. **Suburban maisonette**
   A small apartment building with a similar mass and appearance to a large house.

2. **Perpendicular terrace**
   A small three-storey terrace of apartments consisting of single-level apartments on the ground level with double-storey apartments above, with the top level of the double-storey apartments opening out onto a private screened rooftop ‘sky balcony’.

3. **Compact urban mixed-use terrace block**
   A five-storey mixed-use urban building that is built from boundary to boundary to create a strong urban streetscape and tapers to three storeys at the rear.

4. **Semi-urban mixed-use block**
   A five-storey mixed-use urban building that is built from boundary to boundary at ground level but set back from the side boundaries above, to provide continuity of the street edge for pedestrians without creating a fully-urban edge. Includes a mews terrace to the rear as an interface to adjacent suburban residential areas.
5. **Courtyard block**  
A three-storey, mixed-use urban building that sacrifices height for site coverage (extends outwards rather than upwards) with units arranged around a central courtyard for amenity and cross ventilation.

6. **Corner mixed-use block**  
A five-storey mixed-use urban building that is built from boundary to boundary at ground level but setback from the side boundaries above, to provide continuity of the street edge for pedestrians without creating a fully-urban edge. Includes a mews terrace to the rear as an interface to adjacent suburban residential areas.

7. **Specific site investigation – 1 Airlie Street**  
(Amana/Sundowner site).

Attachment 6 - Indicative Development Typologies illustrates these typologies and also shows indicative building cross sections and site plans. This attachment is particularly useful as for each typology it outlines:

- Application: The situation and site characteristics most suited;
- Variations: Possible adaptations to suit certain circumstances;
- Indicative density/yield: Notional lot size, potential dwellings, notional parking requirements, dwellings per site hectare, required R-Code.

**Density modelling**

The Draft Central Metropolitan Perth Sub-Regional Strategy (CMPSS) was prepared by the Western Australian Planning Commission (WAPC) to provide guidance at a local level for issues that are too complex to resolve in detail in Direction 2031, and/or extend beyond local government boundaries. Under this framework, the expected growth for the Town of Claremont includes a projected housing target increase of 2,200 new dwelling by 2013 (i.e. 110 dwelling per year).

In the context of the Central Metropolitan Perth Sub-region Planning Strategy (CMPSS), the Stirling Highway Growth Corridor is identified to have a potential for an additional 1400 dwellings with possibly up to 400 dwellings in Claremont.

The updated housing target for the Town of Claremont is an additional 760 dwellings by 2031 (250 by 2011-16; 180 by 2016-21; 180 by 2021-26; 150 by 2026-31). Approximately 400 of these dwellings are expected to be located in the vicinity of Stirling Highway.

**Calculating density and yields for the study area**

The suggested density codes were developed through a process that worked back from the built form. In other words, the process was place-based rather than simply a numerical exercise. The process consisted of the following steps:
1. Drafting a preliminary set of built form controls for each precinct based on best practice urban design principle.
2. Identifying which sites were most likely to be redeveloped in the foreseeable future.
3. Building a 3D computer model for the identified sites using the preliminary set of built form controls as a guide.
4. Refining the 3D building models where there was room for improvement in the resultant built form.
5. Interrogating the 3D model to determine the extent of residential and commercial plot ratio floorspace for each identified site and calculating the average plot ratio for each precinct.
6. Dividing the residential plot ratio areas by a typical apartment floorspace to calculate the theoretical dwelling yield.
7. Identifying the R-Coding that best matches the average residential plot ratio for each precinct and then recalculating the dwelling yield based on the plot ratio for those R-Codes.

This approach ensures that there is a good match between the chosen R-Code and an appropriate built form for each precinct.

**Density Options**

The modelling was applied *only to those properties identified as “more likely to be developed”* in the study area, and resulted in a total residential dwelling yield of 1,505 as follows:

- Western Residential Precinct: 680;
- Central Town Centre Precinct: 382; and
- Eastern Highway Precinct: 443.

These yields do not include the Amana (Sundowner) site, which could result in up to approximately a further 400 dwellings.

A number of options were considered in terms of density scenarios in relation to the design modelling and how they could be introduced.
Progressive
Total dwelling yield 1,130.

Western Residential Precinct: 416 (at R80);
Central Town Centre Precinct: 382 (at R-AC); and
Eastern Highway Precinct: 332 (at R100).

Pros
- Likely to generate landowner/developer interest in redevelopment.
- Relatively quick population and rate base growth.
- Good catchment for the town centre.
- Strong prospect of WAPC support.

Cons
- Community concern about building scale, parking and traffic and the like.

Modest
Total dwelling yield 939 (798 adjusted\(^5\)).

Western Residential Precinct: R60;
Central Town Centre Precinct: R-AC; and
Eastern Highway Precinct: R100.

Pros
- Less likely to generate landowner/developer interest in redevelopment in the western part.
- Modest population and rate base growth.
- An advance on the present catchment for the town centre.
- Still likely to gain WAPC support.

Cons
- Community concern about building scale, parking and traffic and the like.

Conservative
Total dwelling yield 863 (648 adjusted).

Western Residential Precinct: R40;
Central Town Centre Precinct: R-AC; and
Eastern Highway Precinct: R60.

Pros
- Less community concern about building scale, parking and traffic and the like.

Cons
- Still some community concern about building scale, parking and traffic and the like.
- Scale of development too low to stimulate redevelopment.
- Unlikely to generate landowner/developer interest in redevelopment.
- Limited additional catchment for the town centre.
- Slow population and rate base growth.
- Unlikely to gain WAPC support.

\(^5\) Note that the adjusted total is an estimate that takes into account the reduced incentive to develop as allowable density decreases.
Staged
Total dwelling yield 922 (818 adjusted).

Western Residential Precinct: No change yet (R15-R40);
Central Town Centre Precinct: R-AC; and
Eastern Highway Precinct: R100.

Pros
- Likely to generate landowner/developer interest in redevelopment in the town centre and east part.
- Reasonably quick population and rate base growth.
- Good catchment for the town centre.
- Good prospect of WAPC support.
- Fewer community concerns in the more sensitive western areas.
- Development focussed into areas with mix of uses.

Cons
- Community concern about building scale, parking and traffic and the like.
- Possible risk that WAPC might not agree to ‘staging’ approach.
- Interim development in western area may preclude future redevelopment.

R-AC Explanation
The R-AC coding suggested for the Central Town Centre Precinct is a coding specifically devised by the WAPC for more intensive mixed-use associated with activity centres.

There are four levels of R-AC coding ranging from R-AC3, which is intended to be a default setting for mixed-use development, to R-AC0, which provides a local authority with complete freedom to determine its own development standards by means of a structure plan. The intermediate codings of R-AC1 and R-AC2 come with default settings but these can be varied.

It is recommended that the Town of Claremont discuss with the WAPC a coding of R-AC0 for the Central Town Centre Precinct, as it would provide the Town of Claremont a greater degree of control in setting the parameters for development in the town centre.

Development Economics
A range of factors - including allowable density or floor space, land use, height views and construction costs - influences the likelihood of redevelopment.

Whilst the quantum of allowable development generally results in a proportionate increase in the attractiveness of a redevelopment prospect, there are a number of thresholds that result in a step change that decreases the viability of a project.

For example, above three storeys, development will normally require basement parking, which is significantly more expensive than at-grade parking. As a result, additional one to two storeys are required to restore viability.

Above three storeys, construction methods generally change from load-bearing to framed methods, which are more expensive. Again, as a result, an additional one to two storeys are required to restore viability.

Construction costs rise again when a second basement of parking is required, typically at around six storeys in height, requiring an additional two storeys to restore viability.

Once the uppermost floor reaches a height of more than 25m above ground level (around eight to nine storeys) a range of requirements are imposed by the Building Codes of Australia (BCA) in relation to safety in the event of a fire. Typically, a development needs to rise to twelve storeys to achieve an equivalent return.
In addition to all of the above, there is a ‘redevelopment penalty’ associated with removing an existing land use from the site. This arises from complex acquisition costs, demolition, lease termination and loss of revenue/relocation costs, which are not applicable to a vacant site.

As a result, the planning framework (including density control) needs to provide sufficient incentive and flexibility to overcome the ‘redevelopment penalty’ and to accommodate the relevant step changes in development economics. Insufficient incentive or flexibility may inhibit redevelopment and result in the slow decay of building stock and a failure to achieve density targets or meet regional planning objectives.

**Appropriate Density**

Whilst it may be tempting to establish lower densities than have been recommended in order to reduce community concerns, care must be taken to ensure a balance between the desired outcome of quality higher-density development, sufficient incentive to initiate redevelopment, and a desire for widespread community support. In other words, lower densities may pose a greater risk of seeing less redevelopment occur, or seeing interim development in a form that may be of lower quality.

Any interim development occurring at a lower density than ultimately desired would further delay and restrict the property’s ability to develop to full density potential in the medium to long term.

If a more conservative approach is taken to density control, the dwelling yield would clearly be less than would be achieved with the recommended densities for the precincts.

Whilst a dwelling yield has been identified for the first tier of sites with the highest potential for redevelopment, it should be noted that if a longer-term view is taken and the second tier of sites with moderate development capacity is included in the yield calculations, the total dwelling yield would more than double.

It is important to stress that the yields can only be viewed as potential given the unknown influences of market forces and landowner intentions.

Another possibility that should be flagged is the staging of higher density code application in the Western Residential Precinct, as a form of land banking, with the intention that the land be coded at a higher density sometime in the future. Whilst this may seem to be a reasonable solution, it is unlikely to gain the support of the WAPC as this action does not comply with State planning policy, and may result in interim development that prejudices the longer-term aim of achieving higher densities. For this reason, the staging option, whilst providing for land bank, does not necessarily satisfy the criteria required for it to be considered as the preferred option.

**Preferred Scenario**

From the Consultant’s perspective, the most desirable and viable outcome is the ‘Progressive’ option:
- Western Residential Precinct: R80;
- Central Town Centre Precinct: R-AC0; and
- Eastern Highway Precinct: R100.

This option is recommended as the preferred option as:
- It provides sufficient incentive, flexibility and viability for landowners to initiate development;
- It is more likely to result in higher quality development;
- Lower densities may pose a greater risk of seeing less redevelopment occur, or seeing interim development in a form that may be of lower quality or inhibit future higher density development; and
- It more than satisfies the State Government’s housing targets well into the future.
A workshop was held with the elected members of the Town of Claremont on 18 November 2013 and feedback from that does not indicate any objection to this option.

The ‘Conservative’ and ‘Staged’ options are particularly not favoured; however, the ‘Modest’ option may have some border-line potential of acceptance by the WAPC provided that some discretion was allowed for developments to exceed the usual standards in exemplary circumstances.

Should Council, having reviewed this entire report on the proposals however, wish to proceed with an alternative option, then the remainder of this report will need to be modified accordingly.
Part Three: Implementing the Stirling Highway Development Concept through Planning

Existing Planning Controls and Proposed Changes

To facilitate the implementation of the proposed Stirling Highway Residential Development Concept, it is necessary to ensure that the planning controls currently applicable to the study area reflect and support the proposed desired outcomes and development principles. In some instances, changes may be required to both statutory and non-statutory documentation to encourage, guide and facilitate development in accordance with the concept.

The main planning tools under consideration include:

- Metropolitan Region Scheme (zoning);
- Town of Claremont Town Planning Scheme No. 3 (zoning, residential density codes, scheme provisions);
- Town of Claremont Local Planning Policies (introduction of design guidelines).

Metropolitan Region Scheme

MRS Zoning

The Metropolitan Region Scheme (MRS) currently shows a Primary Regional Roads (PPR) reservation approximately 80 metres wide over the extent of Stirling as it traverses the Town of Claremont, and this reservation further extends into a majority of the properties to which the highway abuts.

Between the PPR reserve and the extent of the study area, the land is predominantly zoned Urban, with the exception of a Parks and Recreation reservation approximately between Bay View Terrace and Bernard Street (southern side of the highway). Urban zoning supports the residential development concept proposed and no changes would be required in this regard per se. The extent of the Urban zone is determined by the Stirling Highway PPR reservation requirements and this, in turn, impacts on the land available for residential development and affects potential dwelling yields.

Status of MRS Amendment No. 1210/41 Rationalisation of Stirling Highway reservation (SHACS Phase 1)

As mentioned earlier in this report, an amendment to the MRS is in progress to rationalise the Stirling Highway PPR reservation between North Fremantle and Nedlands, which impacts on the study area.

MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation as it affects the Town of Claremont, generally shows a reduction of the reserve to approximately 40 metres in width with the balance of the land proposed to be rezoned as Urban (and Parks and Recreation for that small section between Bay View Terrace and Bernard Street).

Attachment 8 – Advertised MRS Amendment No. 1210/41 Rationalisation of Stirling Highway Reservation – Proposed Rezoning shows the proposed rezoning and Attachment 9 – Advertised MRS Amendment No. 1210/41 Rationalisation of Stirling Highway Reservation – Property Impacts shows how each property is presently proposed to be affected by the new reservation alignment.

As a way of providing safe alternative vehicular access to Stirling Highway properties affected by the amendment, notional rear laneways (Sinclair Knight Merz, 2009) were shown as an attachment to MRS Amendment No. 1210/41. These cannot, and do not, form part of the amendment and are only to be used for information purposes and to inform subdivision and redevelopment proposals.

The development concept that forms part of this report has been developed only in
consideration of those rights of ways and laneways that currently exist. Should additional laneways eventuate as part of redevelopment and subdivision processes in the future, they are likely to provide further support of the principles and objectives of proposed development concept and the associated recommendations for its implementation.

The Town of Claremont considered MRS Amendment No. 1210/41 - Rationalisation of Stirling Highway Reservation on 7 August 2012 and resolved to support the proposed amendment subject to a number of considerations including road construction and traffic control and protection of heritage places and significant trees.

The public consultation period for MRS Amendment No. 1210/41 closed on 27 July 2012 and more than 600 submissions were lodged with the WAPC, which included more than 100 requests for panel hearings. Main Roads WA (MRWA) and the Department of Transport are reviewing highway design suggestions made in the submissions and MRWA’s comments will form part of the Report on Submissions which will be considered by the WAPC. Upon completion of the review of submissions and following the panel hearings, the WAPC will make a recommendation to the Minister for Planning.

Panel hearings took place in late 2013, and officers from the Department of Planning indicate that a decision from the Minister for Planning is expected around mid-2014.

This report is has been based on the proposed extent of the Stirling Highway reservation as shown in the MRS Amendment No. 1210/41 plans as were advertised for public comment.

Phase 2 of the Stirling Highway Activity Corridor Study (SHACS)
MRS Amendment No. 1210/41 (Phase 1 of SHACS) does not deal with residential density or built form, only the Stirling Highway road reserve. Redefining the PRR reservation assists in identifying the physical extent of any future land use opportunities and in terms of land use, the proposed Urban zoning replacing the section of PRR reserve no longer required for Stirling Highway supports the proposed residential development concept.

Phase 2 of SHACS is to comprise of a staged urban design and form based code study to guide built form and redevelopment opportunities in a sustainable planned manner. This cannot progress; however, until MRS Amendment No. 1210/41 is finalised.

Officers from the Department of Planning have indicated that if MRS Amendment No. 1210/41 is adopted, the land no longer affected by the PRR reservation will remain unzoned within the local planning schemes of the local government affected by the MRS amendment, as Phase 2 of SHACS has not substantially progressed to inform amendments to the local planning schemes.

This would present an undesirable situation for the Town of Claremont whereby TPS3 would have no zoning control of the land no longer required for the Stirling Highway reservation. This highlights the imperative need for the Town of Claremont to take the initiative to develop its own set of urban design guidelines and other planning tools rather than await finalisation of Phase 2 of SHACS.

By preparing for the MRS amendment outcome, the Town of Claremont will have effectively brought forward Phase 2 of SHACS and will be in a more desirable position to justify and support amendments to TPS3 as soon as possible, thus maintaining continued control and offering appropriate guidance for development, whilst facilitating the delivery of the residential infill targets of Directions 2031 in a manner that addresses the concerns of the local community.

Changes Required
1. Finalisation of MRS Amendment No. 1210/41 Rationalisation of Stirling Highway reservation. (Note that this is beyond the control of the Town of Claremont)
Town of Claremont Town Planning Scheme No. 3
Local Zoning, Residential Density and Land Use Control

The zoning map applies zones and reserves over the land and also specifies residential density codes for Residential zoned land. In addition, provisions within the Scheme Text specify residential density codes for residential development within a number of the non-residential zones. Other provisions provide land use and development standards for properties within Special Development Zones and Special Zone – Restricted Use.

Under TPS3, the study area includes the following reservations and zones (with residential density codes where applicable):

- **MRS Reserve**
  - Primary Regional Road
  - Parks and Recreation

- **Local Zones**
  - Residential (R15/20, R30, R30/40, R40)
  - Special Development Zone A
  - Special Zone – Restricted Use
  - Educational
  - Town Centre (R80)
  - Highway (R40)

A plan depicting local zoning is shown in Attachment 10 – TPS 3 Zoning.

The range of residential uses permitted within those zones and reserves is shown in Table 1 - Permitted land use of residential nature as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>P</th>
<th>AA</th>
<th>SA</th>
<th>IP</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td>Dwelling (self-contained)</td>
<td>Aged or dependent persons dwellings Residential Building⁶</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational</td>
<td></td>
<td>Dwelling (self-contained)</td>
<td>Residential Building⁷</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town Centre</td>
<td></td>
<td>Dwelling (self-contained)⁸</td>
<td>Residential Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway</td>
<td></td>
<td>Aged or dependent persons dwellings Dwelling (self-contained)</td>
<td>Residential Building</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

⁶ ‘P’ means that the use of the land for the purpose indicated is permitted;

⁷ ‘AA’ means that the land shall not be used for the purpose indicated but the Council may approve of the use of the land for that purpose in certain circumstances (refer to Cl 14 (3)(c) of TPS3);

⁸ ‘SA’ means that the land shall not be used for the purpose indicated but that in exceptional cases the Council may specifically approve of such (refer to Cl 14 (3)(d) of TPS3);

⁹ ‘IP’ means the land shall not be used for the purpose indicated unless Council decides that such use is incidental to the predominant use of the land;

‘X’ means that the land shall not be used for the purpose indicated.

Source: Town of Claremont Town Planning Scheme No. 3 – Table 1: Land Use Table

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⁶ **Residential Building** TPS3 definition: Means a building, other than a Dwelling (self-contained) used for human habitation and includes such outbuildings as are ordinarily used therewith. The term habitation includes a hostel and a hotel used primarily for residential purposes, a residential club and a residential institution for the intellectually handicapped.

⁷ See Cl 23 of TPS3 – Dwelling (self-contained) in Town Centre zone (Shopping Policy Area – east of Lot 90 Avion Way) confined to floors above ground floor unless impractical for retail shopping
With regard to the properties subject to Special Development Zone A and Special Zone – Restricted Uses, permitted land use is determined by Clause 58 and Appendix VII of TPS3, respectively, as shown in Table 2 - Special and Restricted Uses.

The Sundowner/Amana site (Special Development Zone A) is the only property in the study area subject to Clause 58 of TPS3. However, Amendment No. 126 to TPS3, is currently before the Minister for Planning to delete Cl 58. Instead, land use is proposed to be the subject of an approved structure plan, which will also include development standards and conditions. Investigations are currently in progress to develop a suitable structure plan for the Sundowner/Amana site.

It is also noted that 328 Stirling Highway (cnr Freshwater Parade) is currently being developed for mixed commercial (700sqm) and residential apartment (70 units) use. This will comprise of five storeys with two levels of underground parking (when viewed from the highway). The development will have a plot ratio of approximately 1:1.

Part of this development complies with Appendix VII, however, the land affected by the PRR reservation does not. In this regard, the development was approved under the MRS whereby no planning requirements have been set. This unfavourable situation could be repeated for all properties along Stirling Highway under current circumstances.

### Table 2 - Special and Restricted Uses

<table>
<thead>
<tr>
<th>Zone</th>
<th>Property</th>
<th>Permitted Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Development Zone A</td>
<td>Sundowner Site: Lot 412 Swan Loc 699</td>
<td>(Clause 58 of TPS 3)</td>
</tr>
<tr>
<td></td>
<td>Stirling Highway (Amana – 1 Airlie Street)</td>
<td>• Accommodation of semi-frail and aged persons;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Elderly persons day care centre;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Base for domiciliary care services in the surrounding areas;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sheltered workshop for the aged and handicapped people as approved</td>
</tr>
<tr>
<td></td>
<td></td>
<td>by the Council.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Note: This use is subject to Amendment 126 to allow for aged persons’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>accommodation and ancillary commercial, community and/or recreation uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>in accordance with a Council approved Structure Plan.</td>
</tr>
<tr>
<td>Special Zone – Restricted Use</td>
<td>264 Stirling Highway (cnr John Street)</td>
<td>All the uses that may be used in the Highway zone as determined in Table 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Land Use Table and in addition may be used for the purpose of conducting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>civil ceremonies.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards/Conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Min 22 car bays available for the wedding guests.</td>
</tr>
<tr>
<td></td>
<td>10 Albert Street and 5 Dean Street</td>
<td>Aged Care Facility and ancillary uses.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards/Conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refer to Appendix VII of TPS 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Note: This is an adjunct to the St Louis retirement village.</td>
</tr>
<tr>
<td></td>
<td>355 Stirling Highway (cnr Stirling Road)</td>
<td>Uses to be determined in accordance with the Residential Column in Table 1,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>excluding Office and Showroom uses which are permitted uses.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A density of R40 applies to this land.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards/Conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A min of 23 car bays are to be available for tenant and customer parking for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the Office and/or Showroom uses.</td>
</tr>
<tr>
<td></td>
<td>328 Stirling Highway (cnr Freshwater Parade)</td>
<td>Civic Building, Consulting Room, Dwelling (self-contained), Home Occupation,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards/Conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development on the site to be in accordance with development standards</td>
</tr>
<tr>
<td></td>
<td></td>
<td>applicable to the Highway zone. Density not to exceed R40.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Note: Currently being developed for mixed use (five storeys/70 apartments/700sqm commercial space).Does not comply with Appendix VII where land is affected by PRR reserve (Stirling Highway).</td>
</tr>
<tr>
<td></td>
<td>26 Vaucluse Avenue</td>
<td>Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standards/Conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gross leasable area of building not to exceed 200m².</td>
</tr>
</tbody>
</table>

Source: Town of Claremont Town Planning Scheme No. 3
There is some potential for a small number of commercial land uses to be permitted within the Residential Zone as shown in Table 3 - Permissible uses in the Residential Zone (Commercial only).

Note that a number of commercial uses are also specified for exclusion in this zone.

### Table 3 - Permissible uses in the Residential Zone (Commercial only)

<table>
<thead>
<tr>
<th></th>
<th>P</th>
<th>AA</th>
<th>SA</th>
<th>IP</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P</td>
<td>Home Occupation</td>
<td>Craft Industry</td>
<td>Car park</td>
<td>Restricted Premises</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>-</td>
<td>Day Care Centre</td>
<td>-</td>
<td>Retail Store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Educational Establishment</td>
<td>Bulk Retail Sales</td>
<td>Service Industry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Hospital</td>
<td>Dry Cleaning Premises</td>
<td>Service Station</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Recreation – outdoor</td>
<td>Fast Food Outlet</td>
<td>Service trade</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Residential Building</td>
<td>Fish Shop</td>
<td>Shop (Intermediate)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Restaurant</td>
<td>Funeral Parlour</td>
<td>Showroom</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>Shop (small)</td>
<td>Hotel/Tavern</td>
<td>Small Bar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Light Industry</td>
<td>Transport Depot</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Motel</td>
<td>Vehicle Sales</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Motor Repair Station</td>
<td>Veterinary</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Office</td>
<td>Clinic/Hospital</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Open Air Display</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>Recreation</td>
<td>Name: Town of Claremont Town Planning Scheme No. 3 – Table 1: Land Use Table</td>
</tr>
</tbody>
</table>

'P' means that the use of the land for the purpose indicated is permitted; 'AA' means that the land shall not be used for the purpose indicated but the Council may approve of the use of the land for that purpose in certain circumstances (refer to Cl 14 (3)(c) of TPS 3); 'SA' means that the land shall not be used for the purpose indicated but in exceptional cases the Council may specifically approve of such (refer to Cl 14 (3)(d) of TPS 3); 'IP' means the land shall not be used for the purpose indicated unless Council decides that such use is incidental to the predominant use of the land; 'X' means that the land shall not be used for the purpose indicated.

### Changes required:

Upon finalisation of MRS Amendment No. 1210/41 Rationalisation of the Stirling Highway reservation, the following changes would be required to support and implement the development concept:

1. **TPS3 Zoning Map**
   - Amend TPS3 Zoning Map as depicted in Attachment 11 – Changes suggested to TPS 3 Zoning Map by:
     - (i) Zoning the land no longer required for the PRR reservation (i.e. the land proposed to be zoned Urban under the MRS) such that zones and reserves are generally an extension of the current zoning of land immediately adjacent to the previous PRR reservation including Residential, Town Centre, Highway, Educational, Parks and Recreation, Special Development Zone A, Special Zone – Restricted Use zones and Development zone (pending gazettal of Amendment No 126);
     - (ii) Notwithstanding the above, rezone Lot 11051 Stirling Highway and Lot 848 Bernard Street (Pt. Reserve 21710), Lot 3771(Reserve 21711) Stirling Highway and the adjoining R.O.W. between Bernard Street and Stirling Highway from Parks and Recreation to Highway Zone (note that road closure and de-vesting of reserves will also be required).
     - (iii) Applying a residential density code of R80 to the Residential zoned land in the Western Residential Precinct;
     - (iv) Applying a residential density code of R100 to the Highway zoned land in the Eastern Highway Precinct;
(v) Applying a residential density code of R-AC0 to the Highway zoned land in the Central Town Centre Precinct;
(vi) Applying a residential density code of R-AC0 to the Town Centre zoned land in the Central Town Centre Precinct; and
(vii) Applying a residential density code of R100 to the Residential zoned land in the Eastern Highway Precinct; (only relates to two properties: 26 Langsford Street and 42 Reserve Street which are currently R 20 and R 15/20 respectively).

TPS3 Scheme Text
The concept encourages ground level commercial uses on all lots on Stirling Highway between Stirling Road and Loch Street, and on corner lots on the southern side of Stirling Highway west of Stirling Road.

The range of commercial uses that may be permitted in the Town Centre and Highway zones (Central Town Centre and Eastern Highway precincts, i.e. east of Stirling Road) is more broad than the range of commercial uses that may be permitted in the Residential zone (Western Residential precinct, i.e. west of Stirling Road). This may be considered appropriate as is, or Council may wish to consider additional commercial uses to be permitted on corner lots within the Residential zone in the study area (for example Offices). No action is recommended at this stage.

2. Consideration may be given for Cl 46 Objectives (Residential Zone) to refer to ground level (only) non-residential development on corner lots along the southern side of Stirling Highway, west of Stirling Road.

3. Should Council consider it appropriate to allow for a change of use or uses in addition to those currently permitted for 264 Stirling Highway, 10 Albert Street and 5 Dean Street, 355 Stirling Highway, 328 Stirling Highway and 26 Vaucluse Avenue, amendments to Appendix VII would be required to reflect this.

4. The concept suggests increased residential density codes to R-AC0 in the Central Town Centre Precinct, R100 in the Eastern Highway Precinct and R80 in the Western Residential Precinct. The increased residential density code for the Residential and Highway zones is shown on the Scheme Map; however, the residential densities for the Town Centre and some of the Special Zone – Restricted Uses are specified within the Scheme Text.
   (i) It is recommended that the R-AC0 Code also be included on the Scheme Map for the Town Centre precinct for clarification (as already stated in the previous section).
   (ii) Changes are required to Cl 62(1) of the Scheme Text which refers to residential development within the Town Centre zone being developed in accordance with the R80 density code. A new provision is needed to allow for the land within the Central Town Centre Precinct of the study area to be developed in accordance with a structure plan associated with the R-AC0 coding. This will also need to refer to other development requirements such as height, plot ratio, setbacks and the like. Consideration may be given to amend Appendix VII of the Scheme Text to ensure that a density codes of those properties within the Special Zone – Restricted Use (i.e. 264 Stirling Highway (cnr John Street), 328 Stirling Highway (cnr Freshwater Parade), 355 Stirling Highway (cnr Stirling Road) and 26 Vaucluse Avenue) generally reflect the density codes recommended for the precinct within which they are contained.

Plot Ratio
TPS3 specifies plot ratio control only in the following instances:
- Consulting Room use (Cl 41) – Maximum 0.4 in the Residential zone and of 0.5 in any other zone.
- Residential Building use (includes for example residential institution for
handicapped persons, not a self-contained dwelling) (Cl 42) – Maximum of 0.4 in the Residential zone; 0.8 in the Town Centre zone; 0.4 in the Highway zone or 0.8 if no direct access to/from Stirling Highway; and 0.5 in all other zones.

- Amana (Sundowner) site (Cl 58) – Maximum 0.5 (Note that Amendment No. 126 to TPS3 proposes to delete Cl. 58. Plot ratio will be the subject of a Structure Plan design requirement).

- All buildings in the Town Centre zone (Cl 63 and Cl 64) – Maximum of 2 with possible bonus of up to one fifth or increase of number of dwelling units by one fifth in some cases.

- 10 Albert Street and 5 Dean Street (St Louis aged care site) (Appendix VII) – Maximum of 1.

Plot ratio requirements for residential development in the Residential and Highway zones are not specified in the scheme text, therefore, plot ratio provisions of the Residential Planning Codes come into effect.

The deemed to comply provisions for plot ratio under the Residential Design Codes applicable to the suggested density code changes of R80, R100 and R-AC0 are as follows:

**Single house or grouped dwelling**

- R80 – No provision
- R100 – No provision
- R-AC0 – No provision

**Multiple dwellings**

- R80 – 1.0
- R100 – 1.25
- R-AC0 – as set out in structure plan
- Minimum 40m² plot ratio required where development comprises more than 12 dwellings.

Plot ratio is also kept in check in a secondary manner by the use of height restrictions, parking and open space requirements.

**Changes required:**

No changes would be required in relation to plot ratio requirements for single houses and grouped dwellings in the study area, as TPS3 and the Residential Design Codes have no provisions relating to these uses in the zones and density codes proposed.

No changes would be required for multiple dwellings within the study area provided the R code densities R80 and R100 are applied to the Western Residential Precinct, and Eastern Highway Precinct respectively. Theses codes reflect the plot ratios of the housing typologies developed in this study to create the desired built form.

When applying the R-AC0 code to the land within the Central Town Centre Precinct, the structure plan may set desired plot ratio.

The plot ratio requirement of 1.0 for the St Louis aged care facility under Appendix VII, is commensurate with the balance of the Western Residential precinct and no changes are required.

**Access**

The concept and TPS3 scheme text already align with regard to restricted vehicular access to Stirling Highway.

Cl 55 relating to access to grouped dwellings; however, may present some discrepancy worthy of consideration. Part of this clause states that:

“...(2) Vehicle access to a grouped dwelling development shall be from a dedicated road only, and where the driveway into the site provides access to more than one grouped dwelling, Council may require it to be 6 metres wide.”

This could cause an issue in a situation where Stirling Highway is the only available dedicated road for a property, even though alternative access may potentially be available from a laneway, easement or shared access by agreement.
There is no current TPS3 reference seeking location of vehicle access points to take advantage of existing changes in level, to minimise ramp structures to undercroft and deck parking. It is considered more appropriate to be facilitated through policy (proposed design guidelines) than as a scheme provision, to allow for some flexibility.

TPS3 does not address pedestrian access to commercial properties. There is nothing within the scheme text to prevent pedestrian access to sites as preferred within the development concept, so no changes are suggested in this regard.

Changes required:
1. Amend Cl 55 (2) to include vehicular access to grouped dwellings by alternatives such as laneways, easements and agreed shared access in addition to a dedicated road.

Parking
Cl 36 (6) of TPS3 states that Council will not support onsite parking in front of a property where a practical alternative vehicular access point exists, such as to a secondary street, rear laneway or similar. This supports the proposed development concept, however; there are some anomalies with the interpretation of this provision where it is difficult to apply. Accordingly it is recommended that the provision be reviewed to improve the interpretation under the Scheme.

In addition, Cl 36 attempts to ensure that garages and carports are located behind building lines and/or existing buildings; however, the existing provisions do not specifically prevent surface parking forward of the building line along Stirling Highway, unless alternative access via a right of way or common property driveway is available. It is not recommended to strictly prevent parking forward of the building line as this will be indirectly controlled by proposed smaller front setbacks.

In particular, sub-clause Cl 36 (7) states that Council will support the use of land in front of or beside a single carport or garage as an uncovered tandem parking bay. This may be appropriate in other areas; however, it is not favoured within the development concept for Stirling Highway.

Cl 36 also specifies setback distances for garages and carports. This is addressed in a further section of this report related to setbacks.

With regard to screening car parking from public view, Cl 31 (7) provides for Council to apply discretion where parking is located adjacent to the Residential zone to require suitable screening from view from that zone. No changes are required to TPS3; however, this may also be reinforced through the proposed design guidelines.

Changes required:
No changes are required to TPS3 to address screening of car parking; however, this may also be reinforced through the proposed design guidelines as policy.

Overshadowing
There are no specific controls within TPS3 scheme text concerning overshadowing or solar access. As such, all residential development would be subject to the provisions of the Residential Design Codes.

This is supported by the development concept; however, it is also desired to maintain full solar access for the footpath on the southern side of Stirling Highway by limiting building height/form on the northern side of the highway.

Changes required:
No changes to TPS3 are suggested to protect the solar access to the footpath on the southern side of Stirling Highway. It is suggested; however, that this be included in the design guidelines and adopted as policy. Whist this is a desirable objective, it is not essential and a degree of flexibility of control is appropriate in this instance.

Rather than relying on survey plans for constructed footpath location (which may
change over time), it may be easier to use the southern extent of the PRR reservation as the maximum point for shadow reach for properties on the northern side of the highway. The applicant would be responsible for the shadow modelling as part of a development application.

**Height**

Where no height requirements are specified within a scheme, the provisions of the Residential Design Codes come into effect as follows:

- R80: 12m external wall, 13m concealed roof, 15m pitched roof;
- R100: 12m external wall, 13m concealed roof, 15m pitched roof;
- RAC0: as set out in structure plan.

Based on storey height of 3.6m, heights within the Stirling Highway concept generally equate (not including roof height) to wall heights of:

- 7.2m - 2 storeys
- 10.8m - 3 storeys
- 14.4m - 4 storeys
- 18.0m - 5 storeys
- 21.6m - 6 storeys
- 25.2m – 7 storeys
- 28.8m – 8 storeys

Cl 40 of TPS 3 deals with height of buildings. Sub clause Cl 40(2) specifies how height is measured (different to the Residential Design Codes) and it does not include the roof in the calculation (roof height is controlled through Residential Design Code provisions). This measurement of height is also different to further references to height introduced within the development concept, which is ‘street wall’ height and ‘storeys’.

Applicable to the study area:

- Cl 40(3) states that building height in the Residential zone should not exceed 6.6m; however, Cl 40(5) allows for variations in special circumstances within the area contained within the black border and also additions to a dwelling constructed during or before 1920 to exceed the height limit by 1.5m.
- Cl 40(7) states that a building of more than two storeys in the Town Centre zone shall not exceed a height in which Council’s opinion would be contrary to the orderly and proper planning of the locality or have an adverse effect on the amenity of the locality.

- Cl 40(9) states that building height in the Highway zone shall not exceed 12m and that Council may even require a lesser height to avoid adverse effects (in Council’s opinion) on the Residential zone.

- Cl 40(10) states that building height in the Educational zone shall not exceed 9m; however, in certain circumstances it may be permitted be up to 12m.

- No height limit is provided for the Amana (Sundowner) site, although this is expected to be considered in the preparation of a structure plan.

Appendix VII states that 10 Albert Street and 5 Dean Street shall have a maximum building height of 12m to the underside of eaves measured from natural ground level immediately below the eaves. Appendix VII states that development standards for 328 Stirling Highway shall be in accordance with those applicable to the Highway zone, which in this instance is a maximum building height of 12m, and may be required to be less.

The development concept advocates ‘street wall’ height limits of four storeys or six storeys for key designated sites along Stirling Highway, three storeys along non-residential/mixed use streets and two storeys along residential streets.

Subsequent storeys may be built as follows, provided the wall is set back a further 3m from the street wall:

- Maximum total building height of eight storeys at key designated landmark sites along Stirling Highway (i.e. additional four storeys) or less to accommodate overshadowing requirements;
- Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) or less to accommodate overshadowing requirements;
- Maximum total building height of three storeys for buildings addressing
residential streets (i.e. additional one storey above the street wall).

- Maximum total building height of five storeys for buildings addressing non-residential or mixed use streets in the Central Town Centre precinct (i.e. additional two storeys above the street wall).

The only other height limitation within the concept is in regard to those buildings on the northern side of Stirling Highway, where it is recommended that height be restricted to allow full solar access to the footpath on the southern side of Stirling Highway (as discussed in a previous section of this report). Some preliminary modelling based on a 34.5m road reserve, shows that the shadow of a building height of up to 22.5m on the northern side of the highway, would remain clear of the footpath on the southern side of the highway at 12pm on 21 June. This height would equate approximately to a six storey building.

The heights proposed in the concept do not neatly correspond with the either the Residential Design Code provisions or TPS3. It would be necessary to address both matters in any scheme amendments to ensure that where TPS3 does not specify standards, that the Residential Design Codes do not conflict with the concept.

**Changes required:**

The heights promoted by the proposed concept are significantly different to what TPS3 currently allows so changes would be needed to the height provisions, as well as new definitions relating to storeys, height and mezzanines.

Although there appears to be no simple way of modifying existing provisions to accommodate the proposed concept heights, the following identifies where conflicts exist and changes in some form will be required to accommodate the concept:

1. Include definitions for ‘street wall’ height and ‘storeys’ (suggested amendment to Cl 40 Height of Buildings).

2. Clarify a position on total height, including the roof to ensure that Residential Design Code provisions do not automatically apply and subsequently conflict with the heights proposed within the concept.

3. Allow for heights to exceed 6.6m for properties within the Residential zone with a density coding of R80 in the Western Residential Precinct and R 100 in the Eastern Highway Precinct (suggested amendment to Cl 40(3)) to enable ‘street wall’ height limits of four storeys along Stirling Highway and two storeys along residential streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
   
   (i) Maximum total building height of eight storeys at key designated landmark sites along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);
   
   (ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) (or less to accommodate overshadowing requirements);
   
   (iii) Maximum total building height of three storeys for buildings addressing residential streets (i.e. additional one storey above the street wall).

4. Allow for heights of buildings in the Town Centre zone and Highway zone within the Central Town Centre Precinct (suggested amend Cl 40(7)) to enable ‘street wall’ height limits of four storeys along Stirling Highway and three storeys along other non-residential/mixed use streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:

   (i) Maximum total building height of eight storeys at key designated landmark sites along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);

   (ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two
storeys) (or less to accommodate overshadowing requirements);

(iii) Maximum total building height of five storeys for buildings addressing non-residential or mixed use streets in the Central Town Centre precinct (i.e. additional two storeys above the street wall).

5. Allow for heights of buildings in the Highway zone in the Eastern Highway Precinct (suggested amend Cl 40(9)) to enable ‘street wall’ height limits of four storeys along Stirling Highway, three storeys along other non-residential/mixed use streets and two storeys along residential streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:

(i) Maximum total building height of eight storeys at key designated landmark sites along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);

(ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) (or less to accommodate overshadowing requirements);

(iii) Maximum total building height of three storeys for buildings addressing residential streets (i.e. additional one storey above the street wall).

6. As one of the designated landmark sites on Stirling Highway, the Amana (Sundowner) currently has no height restrictions which means that TPS3 may currently support the concept of a four storey ‘wall height’ along Stirling Highway and an additional four storeys above, provided they are set back a minimum of 3 metres from the street wall. On the understanding that Amendment No 126 to TPS3 is gazetted, the heights for development on this property should be determined in the preparation of the Structure Plan to respond to the desired heights proposed herein.

- Allow for height of buildings at 10 Albert Street and 5 Dean Street, (suggested amend Appendix VII) to be in accordance with the balance of the Residential zoned land within the Western Residential Precinct. (Note that this area is the subject of previous and ongoing negotiation and discussion for future master planning for the long term redevelopment of the greater St Louis village site).

7. Allow for height of buildings at 328 Stirling Highway (suggested amend Appendix VII) to be in accordance with the balance of the Highway zoned land within the Central Town Centre Precinct and may need to take into consideration the details of the proposal currently being developed on the site.

8. Allow for height of buildings at 26 Vaucluse Avenue (suggested amend Appendix VII if not already covered by general scheme provisions) to be in accordance with the balance of the Highway zoned land within the Eastern Highway Precinct.

9. Include a general provision to ensure a ‘wall height’ limit of two storeys where a building abuts the boundary of a residential property that is not included in the study area (suggest amendment to Cl 27 or Cl 40).

10. Where land is proposed to be coded R-AC0 a structure plan will be required to set development standards, including height.

Setbacks

Residential development in Residential zone

TPS3 provides for residential uses to be set back from boundaries in accordance with the requirements of the Residential Design Codes, with the exception of garages and carports (as discussed in a previous section of this report). Should the residential density codes be changed as suggested to R80, the deemed to comply provisions for street setbacks that would apply are as follows:

- Single house or grouped dwelling
  - R80 – Primary street 1m, secondary street 1m.
  - Rear and side setbacks are to be as per Tables 2a and 2b of the Residential Design Codes, where building setbacks depend
on length and height of walls and the presence or absence of major openings to habitable rooms.

Multiple dwellings
- R80 – Primary street 2m, secondary street 2m.
- Rear setbacks are to be as per Tables 2a and 2b of the Residential Design Codes for multiple dwellings with a density coding of R80.
- Side setbacks for multiple dwellings with an R80 coding are to be as per Table 5 of the Residential Design Codes depending on the width of the lot (i.e. less than and equal to 14m wide = 3m setback, 15m wide = 3.5m setback, equal to and greater than 16m wide = 4m setback). It is possible; however, that a wall may have a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions.
- A wall built to one side boundary has a maximum height and average height as set out in Table 4 and a maximum length of two thirds of the length of this boundary.

Should the residential density codes be changed within the study area to R80, setback requirements will automatically change as per above, unless a clause is included in TPS3 to exclude or override the Residential Design Codes requirements.

The development concept generally follows the setback requirements of the R80 code. To control mass and scale; however, the setback of some upper storeys from a street, or from a neighbouring residential property that is not included in the study area, are proposed to be more restrictive (as discussed in the previous section in relation to height). Some change would be required, potentially Cl 27 or, or it may be simultaneously addressed in any forthcoming changes relating to height.

Changes are also necessary within TPS3 for the setback of garages and carports. Cl 36 of TPS3 specifies parking setback distances (with some possible discretionary relaxation). Garages are generally required to be set back 6m (or up to 4.5m with discretion) and carports set back at 4.5m (or a lesser unspecified distance with discretion). These setbacks are generally similar to setbacks applied to low density residential development and are not appropriate to higher density development as proposed in this instance.

As previously mentioned, the R80 code only requires a 1m or 2m setback from the primary and secondary street for a single house/grouped dwelling and multiple dwelling, respectively. In these circumstances, Cl 36 should not apply to garages and carports and the deemed to comply provisions of the Residential Design Codes should prevail.

Non-residential development in Residential zone
Cl 37A of TPS3 relates to non-residential development abutting a Residential zone and provides for setbacks to buildings, structures and access. This provision is more prescriptive than the concept objective which refers to Residential Design Code setbacks applying to all buildings, regardless of whether they are of a residential nature or not, where they abut residential properties outside of the study area.

Given that mixed uses are proposed for the ground floors, Cl 37A requires modification. It is noted from discussions with the Town’s Planning staff that the current provisions contained in Cl 37A are too prescriptive and do not provide for a reasonable amount of discretion on matters such as screening of windows and balconies. Any modification to Cl 37A should address both the proposals contained within this document and the existing constraints.

Table 2 – Development Table of TPS3 specifies setbacks for a number of uses and zones. Those applicable to the Residential zoned land are as follows:
- Restaurant in a Residential zone - building setbacks are to be in accordance with the standards of the residential density code applicable to that land;
- Shop (small) in a Residential zone – Street setback nil, Side setback nil, Rear setback 7.5m;
- Craft industry (in any zone) - As determined by Council;
- Educational establishment (in any zone) – As for the R15 Code

There are no conflicts between the development concept and TPS3 in this regard and no changes are necessary.

Other uses and zones
The Development Table (Table 2) of TPS3 specifies setback requirements for a number of other uses and zones in addition to those mentioned previously for the Residential zone.

Setbacks for other uses and other zones are shown in the following Table 4 - Setbacks other than for Residential zone (TPS3 - Table 2 and Cl 62), Table 5- Setbacks Specific Development Zone A and Restricted Uses (TPS3 – Cl 58 and Appendix VII), Table 6 - Setbacks Walt Drabble Lane (TPS3 - Cl 65) and Table 7 – Setbacks Highway Zone (TPS3 - Cl 71).

Table 4 - Setbacks other than for Residential zone (TPS3 - Table 2 and Cl 62)

<table>
<thead>
<tr>
<th>Use</th>
<th>Zone</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk retail sales, Consulting room, Craft Industry, Fast Food Outlet, Funeral Parlour, Hotel/tavern, Motel, Office, Recreation indoor (active and passive), Retail store, Service station, Shop (intermediate), Showroom, Small bar, Vehicle sales, Warehouse.</td>
<td>Not specified</td>
<td>As determined by Council.</td>
</tr>
<tr>
<td>Residential Building, Restaurant.</td>
<td>Other than Residential</td>
<td>As determined by Council.</td>
</tr>
<tr>
<td>Shop (small)</td>
<td>Other than Residential, Light Industrial, Town Centre - Shopping Policy Area, Local Centre zones</td>
<td>Street nil, Side 2.5m, Rear 7.5m.</td>
</tr>
<tr>
<td>Shop (small)</td>
<td>Light Industrial, Town Centre - Shopping Policy Area, Local Centre zones</td>
<td>Street nil, Side nil, Rear 7.5m.</td>
</tr>
<tr>
<td>Hospital</td>
<td>Not specified</td>
<td>As for the R15 Code</td>
</tr>
<tr>
<td>Service Industry</td>
<td>Not specified</td>
<td>Street 1.5m, Side and Rear nil.</td>
</tr>
<tr>
<td>Residential</td>
<td>Town Centre</td>
<td>As for the R80 Code</td>
</tr>
</tbody>
</table>

Table 5- Setbacks Specific Development Zone A and Restricted Uses (TPS3 – Cl 58 and Appendix VII)

<table>
<thead>
<tr>
<th>Property</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunlowner site</td>
<td>Not specified – subject to Structure plan</td>
</tr>
<tr>
<td>264 Stirling Highway</td>
<td>Not specified</td>
</tr>
<tr>
<td>10 Albert Street and 5 Dean Street</td>
<td>4m to Dean Street (minor incursions permitted and may be varied by Council). Clause 37 A does not apply.</td>
</tr>
<tr>
<td>355 Stirling Highway</td>
<td>Not specified</td>
</tr>
<tr>
<td>328 Stirling Highway</td>
<td>Stirling Highway 7m (as per Highway zone)</td>
</tr>
</tbody>
</table>

Table 6 - Setbacks Walt Drabble Lane (TPS3 - Cl 65)

<table>
<thead>
<tr>
<th>Use</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground floor of building</td>
<td>3m from Walt Drabble Lane may be required</td>
</tr>
<tr>
<td>First floor of the building</td>
<td>4m from Walt Drabble Lane may be required</td>
</tr>
</tbody>
</table>

Table 7 – Setbacks Highway Zone (TPS3 - Cl 71)

<table>
<thead>
<tr>
<th>Setback</th>
<th>Relaxation considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>7m from Stirling Highway</td>
<td>Need for shops and other commercial uses to be exposed to the highway;</td>
</tr>
<tr>
<td></td>
<td>Desirability of variety in setback distances;</td>
</tr>
<tr>
<td></td>
<td>Desirability of reducing noise impact from the highway;</td>
</tr>
<tr>
<td></td>
<td>Desirability of providing space for landscaped area;</td>
</tr>
<tr>
<td></td>
<td>Desirability of providing flexibility in residential development.</td>
</tr>
</tbody>
</table>
For the land zoned Town Centre within the Central Town Centre Precinct, TPS3 street setback provisions for shops is nil and other commercial type uses are as determined by Council. This flexibility supports the proposed concept and no changes are required in this regard. Cl 62(1) prescribes the standards of the R Code density of R80 for residential development (including setbacks). As the concept proposed a density of R-AC0 for this precinct, Cl 62(1) should be changed to reflect the requirements of the structure plan that will outline the development standards, including setbacks).

The land on the southern side of Stirling Highway in the Central Town Centre Precinct is predominantly within the Highway zone other than 328 Stirling Highway, which is zoned ‘Special Zone – Restricted Use’. TPS3 requires all buildings in the Highway zone to be set back 7m from Stirling Highway. Whist there is some discretion to relax this, the concept proposes a reduced setback of nil for commercial uses and in accordance with the Residential Design Codes for residential uses. Cl 71 will need to be amended to accommodate the setback requirements of R-AC0 as per the balance of the Central Town Centre precinct.

For the land zoned Highway zone within the Eastern Highway Precinct (and land recommended to change from Residential to Highway zone), the 7m building setback from Stirling Highway also applies. A density code of R100 is proposed for this precinct which would allow for primary and secondary street setbacks of 2m for residential development. Cl 71 will need to be amended to accommodate the setbacks proposed in the concept.

Regardless of the zone or use, the Stirling Highway concept proposes that all buildings adjacent to residential properties outside of the study area be set back from those properties in accordance with the applicable R Code requirement. This may need to be addressed accordingly with some cross reference to Cl 37A.

TPS3 does not presently specify setback requirements for the Amana (Sundowner) site (however these matters will be identified under the proposed structure plan should Amendment No 126 to TPS3 be gazetted), 264 Stirling Highway or 355 Stirling Highway. No changes are required to accommodate the concept, unless Council wishes to stipulate setbacks. If this is the case, changes would need to be made to Appendix VII.

TPS3 requires a 4m setback to Dean Street for 10 Albert Street and 5 Dean Street, and a 7m setback to Stirling Highway for 328 Stirling Highway. Density codes of R80 and R100, respectively, are proposed for these sites whereby setbacks of 2m from the primary and secondary streets would be required under the Residential Design Codes. In order to accommodate the concept, changes would be required to Appendix VII accordingly.

Changes required:
1. The existing setback provisions for garages and carports are primarily designed for single residential development and do not readily apply to street frontage development as proposed in the concept. The ability to apply discretion is therefore required to restrict parking at ground level in the front setback area. This may be achieved by excluding development for sites of R80 density codes and above from the current scheme requirements for garages and carport setbacks (suggest amendment to Cl 36).

2. Require certain upper storeys (those above the ‘street wall’ height) to be set back further from a street, or from a neighbouring residential property (those above two storeys) that is not included in the study area, than usually required by the Residential Design Codes to reduce impacts of scale and bulk (potential amendment suggested to Cl 27, or it may simultaneously be addressed in any forthcoming changes relating to height in Cl 40).

3. Refer to development standards of structure plans that will accompany the R-AC0 for the land within the Town Centre.
zone within the Central Town Centre Precinct instead of R80 (suggest amendment to Cl 62(1)).

4. Allow for a setback of nil from Stirling Highway for commercial uses and for residential development for those properties within the Highway zone within the Central Town Centre Precinct (suggest amendment to Cl 43 and/or Cl 71).

5. Allow for a setback of nil from Stirling Highway for commercial uses and in accordance with the R100 density code for residential development for those properties within the Highway zone (suggest amendment to Cl 43 and/or Cl 71).

6. Ensure that all buildings adjacent to residential properties outside of the study area (regardless of the zone or use) are set back from those properties in accordance with the applicable R Code requirement. (suggest amendment to Cl 27 and cross reference with modification to Cl 37A relative to ground floor commercial premises as part of a mixed use development (and also to apply to all commercial development to improve the current discretionary considerations).

7. Should Council wish to do so (not required), stipulate setback requirements for 355 Stirling Highway in accordance with the concept (suggest amendment to Appendix VII).

8. Allow for setbacks to Dean Street for 10 Albert Street and 5 Dean Street to be reduced from 4m to 2m in accordance with the R80 code requirements (suggest amendment to Appendix VII) Note, however; that details of any amendment to TPS3 relative to this site should be postponed pending progression of master planning, with density and setbacks being determined to respond to the desired setbacks proposed herein.

9. Allow for setbacks to Stirling Highway for 328 Stirling Highway to be reduced from 7m in accordance with the concept (suggest amendment to Appendix VII). As previously mentioned, changes may also need to consider the standards of the proposal currently being developed on the site.

Building Amenity

Part IV of TPS3 relates to special amenity, design and development control for all development applications within the Town of Claremont.

Cl 75 allows for the appointment of a Design Advisory Committee (as chosen by Council but including at least two registered architects) to advise on matters of architectural and landscape design. The committee is to have due regard to TPS3 when giving advice and may make recommendations for amendments to the scheme if considered necessary.

The principles of the development concept advocate the design of buildings in the study area to maximise visual streetscape appeal as well as promoting function of the use it contains and the amenity of inhabitants of the buildings. The Residential Design Codes addresses many of the built form and amenity issues relating to solar access, addressing street frontages, providing open space and the like. The Residential Design Codes; however, provide minimal reference to architectural form.

The subtleties outlined in the development concept for building amenity are considered best provided as design guidelines as a policy. There is scope within Cl 75 to use the Design Advisory Panel when considering applications for development within the study area to gain professional expert advice in this regard.

Changes required:

No changes are suggested to TPS3 to address amenity; however, this may also be reinforced through the proposed design guidelines as policy.

Fencing

TPS3 has no specific requirements for boundary fencing within the study area (unless relative to a mixed use commercial development under Cl 37A(2), therefore, the provisions of the Residential Design Codes are applied for development within the Residential zone. Deemed to comply
requirements for front fences with the primary street setback include that they are visually permeable to 1.2m above natural ground level, and are truncated or reduced to no higher than 0.75m within 1.5m of where they meet access points.

This, for the most part, aligns with the development concept with the exception that the Residential Design Codes do not specify a maximum height whereas the concept seeks a maximum of 1.2m.

It is not considered necessary to make this a statutory requirement as there may be instances where flexibility is warranted. It is better to provide this as guidance through design guidelines adopted as policy.

Changes required:
No changes are suggested to TPS3 to address fencing; however, this may also be reinforced through the proposed design guidelines as policy.

Services
Cl 76 relating to design and construction states that all servicing areas and other parts of the land or building, which are likely to be untidy in appearance, will be completely screened from public view and view from adjoining properties.

This aligns with the development concept and no further changes are suggested.

Changes required:
No changes are suggested to TPS3 to address services; however, this may also be reinforced through the proposed design guidelines as policy.

Heritage
Under Cl 78 of TPS3, the Town of Claremont has adopted a schedule of Historic Buildings and Places. In addition, LPP LV123 – Retention of Residential Character and LPP LV124 – Retention of Residential Heritage assist in guiding applications for development involving those properties listed within the schedule.

The development concept supports the retention, restoration and reuse of these heritage buildings and no changes are suggested.

Changes required:
No changes are suggested to TPS3 to address heritage; however, this may also be reinforced through the proposed design guidelines as policy.

General Discretion Provision
There are two approaches that could be used to allow for development to occur for the Stirling Highway vicinity where it is not strictly in accordance with current TPS3 requirements. One is to change existing provisions to specify what is required, and another is to include discretionary provisions allowing Council to relax its usual requirements in certain circumstances.

Where the latter is favoured, it is important that local planning policy clearly outlines such circumstances and provides strong guidance.

Local Planning Policy
Cl 82 of TPS3 enables Council to prepare planning policy.

Much of the proposed development concept can be supported by the existing TPS3, or readily amended to accommodate certain provisions; however, it is advantageous (for applicants and decision makers alike) to have policy guidance for a number of matters that require discretion or special consideration, given their unique location along Stirling Highway.

Action required:
1. Consider the Draft Design Guidelines developed as part of this study for public consultation and adoption as local planning policy.
Other Council Regulations or Policies

There may be other regulations or Council policies (for example local laws or non-planning policy such as Council Policy LV117 – Front Fences) that may conflict with the suggested changes, or may be used to support and encourage development in accordance with the proposed changes.

Action required:
1. Investigate other Council regulations and policies to ensure that there are no discrepancies or conflicts with the recommended changes and to consider modifications to existing, or development of additional regulation and to proactively support and encourage development in accordance with the proposed changes.
Part 4 - Recommendations

**Concept**

1. That the Town of Claremont supports the proposed urban design concept developed for Stirling Highway residential development as presented in this report, in the event of the finalisation of MRS Amendment No. 1210/41 Rationalisation of the Stirling Highway reservation.

2. That in implementing the Stirling Highway residential development concept, the objectives, broad principles and building typologies presented in this report form the basis of amendments to TPS3 and the development for adoption of local planning policy, including Design Guidelines.

**Town of Claremont Town Planning Scheme No. 3**

**General Comment**

The following recommendations assist by highlighting where the current provisions of TPS3 conflict or do not pro-actively support the proposed Stirling Highway concept. There may be alternative ways of achieving the same result in the recommendations which could also be explored.

There are acknowledged benefits for local governments to include a general discretionary clause within the local planning scheme text to allow for relaxation of standards and provisions in certain circumstances, thus allowing for greater flexibility. For example, the City of Melville and the City of Subiaco have included a scheme provision similar to the following:

*Council may grant discretion to approve a non-complying application if it is satisfied that:*

**a. The development would be consistent with:**

(i) The orderly and proper planning of the locality;

(ii) The preservation of the amenity of the locality; and

(iii) The planning objectives of the particular zone and relevant precinct planning policies; and

**b. Non-compliance would not have any undue adverse impact on:**

(i) The occupiers or users of the development;

(ii) The property in, or the inhabitants of, the locality; and

(iii) The likely future development of the locality.

This may be an action that Council may also wish to pursue in addition to, or in replace of, some the changes recommended.

In any event, it is prudent for Council to seek legal advice regarding how changes can be appropriately worded and identify any possible effects that changes may have on the scheme as a whole document.

Following a preliminary look at TPS3 based on the study and the interpretation of the provisions as they exist, a number of modifications will be required.

Upon finalisation, or concurrent with the finalisation, of MRS Amendment No. 1210/41 Rationalisation of the Stirling Highway reservation, it is recommended that the Town of Claremont give consideration to initiate procedure to amend Town of Claremont TPS3 as outlined in the following sections.
**Zoning and Density**

3. Amend the zoning map by zoning the land no longer required for the PRR reservation (i.e. the land proposed to be zoned Urban under the MRS) such that zones and reserves are generally an extension of the current zoning of land immediately adjacent to the previous PRR reservation including Residential, Town Centre, Highway, Educational, Parks and Recreation, Special Development Zone A, Special Zone – Restricted Use zones and Development zone (pending gazettal of Amendment No 126);

4. Notwithstanding the above, amend the zoning map by rezoning Lot 11051 Stirling Highway and Lot 848 Bernard Street (Pt. Reserve 21710), Lot 3771(Reserve 21711) Stirling Highway and the adjoining R.O.W. between Bernard Street and Stirling Highway from Parks and Recreation to Highway Zone (note that road closure and de-vesting of reserves will also be required).

5. Apply a residential density code of:
   (i) R80 to the Residential zoned land in the Western Residential Precinct;
   (ii) R100 to the Highway zoned land in the Eastern Highway Precinct;
   (iii) R-AC0 to the Highway zoned land in the Central Town Centre Precinct;
   (iv) R-AC0 to the Town Centre zoned land in the Central Town Centre Precinct; and
   (v) R100 to the Residential land in the Eastern Highway Precinct (only relates to two properties: 26 Langsford Street and 42 Reserve Street which are currently R 20 and R 15/20 respectively).

6. Amend Cl 62(1) of the Scheme Text which refers to residential development within the Town Centre zone being developed in accordance with the R80 density code. A new provision is needed to allow for the land within the Central Town Centre Precinct of the study area to be developed in accordance with a structure plan associated with the R-AC0 coding.

7. Develop a structure plan associated with the R-AC0 density code proposed for the land within the Central Town Centre Precinct to reflect the development standards and requirements of this report and recommended policy, which may include such matters as plot ratio, setbacks, height and the like.

8. Give consideration to amend Appendix VII of the Scheme Text to ensure that a density codes of those properties within the Special Zone – Restricted Use (i.e. 264 Stirling Highway (cnr John Street), 328 Stirling Highway (cnr Freshwater Parade), 355 Stirling Highway (cnr Stirling Road) and 26 Vaucluse Avenue) generally reflect the density codes recommended for the precinct within which they are contained.

**Land Use Control**

Consider an amendment (not recommended at this time) to the scheme text for additional commercial uses to be permitted on corner lots within the Residential zone on the southern side of Stirling Highway, west of Stirling Road (for example Offices).

9. If/where supported, changes may be supported by:
   (i) Including a provision stating that notwithstanding the requirements of Table 1 – Land Use Table, additional commercial uses (as determined by Council and then specified in the amendment) may be permitted only for those Residential zoned corner lot properties along the southern side of Stirling Highway, west of Stirling Road;
   (ii) Amend Cl 46 Objectives (Residential zone) to refer to ground level (only) non-residential development on corner lots on the southern side of Stirling Highway within the Western Residential Precinct.
Plot ratio
10. No changes recommended unless it is desired to specify plot ratio within a structure plan associated with the R-AC0 density code in the Central Town Centre Precinct.

Access
11. Amend Cl 55(2) to include vehicular access to grouped dwellings by alternatives such as laneways, easements and agreed shared access in addition to a dedicated road.

Parking
12. No changes recommended.

Overshadowing
13. No changes recommended.

Height
14. Amend Cl 40 to include a definition for ‘street wall’ height and ‘storey’. It is suggested that a storey be equal to 3.6m in height exclusive of the roof.

15. Amend Cl 40(3) to allow for heights to exceed 6.6m for properties within the Residential zone with a density coding of R80 (most properties within the Western Residential Precinct) and R100 (a small amount of properties within the Eastern Highway Precinct) to enable ‘street wall’ height limits of four storeys along Stirling Highway and two storeys along residential streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
   (i) Maximum total building height of eight storeys at key designated landmark sites (Amana/Sundowner site) along Stirling Highway (i.e. additional four storeys);
   (ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys)

16. Amend Cl 40(7) to allow for heights of buildings in the Town Centre zone to enable ‘street wall’ height limits of four storeys along Stirling Highway and three storeys along other non-residential/mixed use streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
   (i) Maximum total building height of eight storeys at key designated landmark sites (north west corner of Stirling Road and the Bayview Centre north west corner of Leura Avenue) along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);
   (ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) (or less to accommodate overshadowing requirements).

17. Amend Cl 40(9) to allow for heights of buildings in the Highway zone within the Central Town Centre Precinct to enable ‘street wall’ height limits of four storeys along Stirling Highway and three storeys along other non-residential/mixed use streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
   (i) Maximum total building height of eight storeys at key designated landmark sites (north west corner of Stirling Road and the Bayview Centre north west corner of Leura Avenue) along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);
   (ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) (or less to accommodate overshadowing requirements).

18. Amend Cl 40(9) to allow for heights of buildings in the Highway zone within the Eastern Highway Precinct to enable ‘street wall’ height limits of four storeys along Stirling Highway, three storeys along other non-residential/mixed use streets and two storeys along residential streets with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
(i) Maximum total building height of eight storeys at key designated landmark sites (north west corner of Loch Street) along Stirling Highway (i.e. additional four storeys) (less to accommodate overshadowing requirements);
(ii) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys) (or less to accommodate overshadowing requirements).

19. Amend Appendix VII to allow for height of buildings at 10 Albert Street and 5 Dean Street, and 328 Stirling Highway to develop a ‘street wall’ height of up to four storeys along Stirling Highway, and two storeys along Freshwater Parade with subsequent storeys built as follows, provided the wall is set back a further 3m from the street wall:
   (i) Maximum total building height of six storeys for all other properties along Stirling Highway (i.e. additional two storeys); and
   (ii) Maximum total building height of three storeys for buildings addressing Freshwater Parade (i.e. additional one storey above the street wall).

20. Include a general provision possibly as an additional sub clause to Cl 27 or Cl 40 to ensure a ‘wall height’ limit of two storeys where a building abuts the boundary of a residential property that is not included in the study area.

21. Amend Appendix VII to allow for height of buildings at 10 Albert Street and 5 Dean Street to be in accordance with the balance of the Residential zoned land within the Western Residential Precinct. (Note that this area is the subject of previous and ongoing negotiation and discussion for future master planning for the long term redevelopment of the greater St Louis village site).

22. Amend Appendix VII to allow for height of buildings at 328 Stirling Highway to be in accordance with the balance of the Highway zoned land within the Central Town Centre Precinct and may need to take into consideration the details of the proposal currently being developed on the site.

23. Amend Appendix VII to allow for height of buildings at 26 Vaucluse Avenue already to be in accordance with the balance of the Highway zoned land within the Eastern Highway Precinct.

24. Include a general provision (or possible amendment to Cl 27 or Cl 40) to ensure a ‘wall height’ limit of two storeys where a building abuts the boundary of a residential property that is not included in the study area.

25. Where land is proposed to be coded R-AC0 a structure plan will be required to set development standards, including height.

Setbacks
26. Amend Cl 36 to allow for garages and carports within the study area to be set back from the street in accordance with the requirements of the R Code applicable to the site or allow for discretion and exclude application of the provisions for development on and with density codes of R80 and above.

27. Amend Cl 27, or may already be covered through suggested changes to Cl 40 regarding height, to require certain upper storeys (those above to the ‘street wall’ height) to be set back further from a street, or from a neighbouring residential property (those above two storeys) that is not included in the study area, than usually required by the Residential Design Codes to reduce impacts of scale and bulk.

28. As mentioned earlier, Amend Cl 62(1) to refer to development standards set by the structure plan accompanying R-AC0 for the land within the Town Centre zone within the study area instead of R80.
29. Amend Cl 43 or 71 to allow for a setback of nil from Stirling Highway for commercial uses and in accordance with the R100 density code for residential development for those properties within the Highway zone.

30. Amend Cl 27 and cross reference with Cl 37A to ensure that all buildings adjacent to residential properties outside of the study area (regardless of the zone or use) are set back from those properties in accordance with the applicable R Code requirement.

31. Although not necessary to facilitate the proposed concept, should Council wish to specify setback requirements for the Amana (Sundowner) site, this should be addressed in the preparation of a Structure Plan for the site as required by Amendment No. 126 if gazetted. Reference to the requirements of the R80 density code is recommended in accordance with the balance of the Western Residential Precinct.

32. Although not necessary to facilitate the proposed concept, should Council wish to specify setback requirements for 264 Stirling Highway, amendments to Appendix VII would be needed. Although not necessary to facilitate the proposed concept, should Council wish to specify setback requirements for 355 Stirling Highway, amendments to Appendix VII may be needed. Alternatively, these may be addressed by the structure plan associated with the recommended R-AC0 density code for the Central Town Centre Precinct.

33. Consider an amendment to Appendix VII to allow for setbacks to Dean Street for 10 Albert Street and 5 Dean Street to be reduced from 4m to 2m as per the R80 density requirements in accordance with the balance of the Western Residential Precinct. Any action should be mindful of continuing negotiations for the future redevelopment of the entire St Louis Retirement Village.

34. Amend Appendix VII to allow for setbacks to Stirling Highway for 328 Stirling Highway to be reduced from 7m as per the balance of the Central Town Centre Precinct and in consideration of the proposal currently being developed on the site.

Building Amenity
35. No changes recommended.

Fencing
36. No changes recommended.

Services
37. No changes recommended.

Heritage
38. No changes recommended.
Local Planning Policy

39. The objectives, principles and typologies developed as part of the proposed concept for Stirling Highway have been refined and developed as Draft Design Guidelines (a separate document to this report). It is recommended that this considered for advertising and adoption (with or without modification) as a local planning policy under Cl 82 of TPS3.

The Draft Design Guidelines address the following:
(i) General Provisions (Land use and density; Street interface; Built form; heights and setbacks; Overshadowing; Building amenity; Vehicle access; Parking; Landscape and public art; Fencing; Services; Heritage; Signage; Resource conservation).
(ii) Specific Provisions for the Western Residential Precinct.
(iii) Specific Provisions for the Central Town Centre Precinct.
(iv) Specific Provisions for the Eastern Highway Precinct.

Other Council Regulations and Policies

40. Although beyond the scope of this report, it is recommended that the Town of Claremont investigate other regulation and policy under its control to ensure that there are no discrepancies or conflicts with the suggested changes. Changes and/or further development of other regulation and policy may also be considered in order to encourage development through avenues in addition to the local planning system.
Attachments/Appendices
Attachment 1 – Notional Study Area

(For more detailed study area boundaries refer to Attachment 4 – Analysis Maps)
Attachment 2 - Assessment Criteria and Scoring

This attachment details the assessment criteria used to measure the likelihood of development/redevelopment without further incentive or intervention.

Scoring
Each property surveyed was allocated a score for sixteen separate elements. A measure was allocated to each element (as detailed under the following sub-section) according to its influence on development potential.

The separate element scores were then tallied to reach a total score indicating overall likely development potential of the property, such that:

- Positive numbers indicate that the element is likely to have a positive influence on the likelihood of development. The higher the number, the greater the potential for development.
- Zero indicates a neutral position or where the element was not applicable to that property; and
- Negative numbers indicate that the element is likely to have a constraining influence on the likelihood of development. The lower the number, the less the potential for development.

The range in which the total score for each property fell generally determined the development potential category assumed for that property, so that:

-\( >10 \) = Strong likelihood of redevelopment
-\( 0 – 10 \) = Moderate likelihood of redevelopment
-\( -10 – 0 \) = Limited likelihood of redevelopment
-\( <-10 \) = Minimal likelihood of redevelopment

When a score was on (or in a couple of cases close to) the limit, some subjectivity was employed based on expertise, rather than relying solely on the mathematics of the process.

Elements
Elements considered in the assessment as likely to encourage/be more challenging for redevelopment and their applied weighting scores are as follows:

**Corner lot**
Reason: a corner lot is more likely to be developed as it offers more frontage and greater opportunities for vehicle access.
Measure: yes (4), no (0)

**Vacant lot**
Reason: a vacant lot has no demolition costs and suggests that development is already anticipated.
Measure: yes (10), no (0)

**Length of frontage**
Reason: lots with greater frontage provide the opportunity for more development to gain access to light and views.
Measure: \(< 10m \) (-2), \( 10-20m \) (0), \( 20-40m \) (2) \( >40m \) (5)

**Lot size**
Reason: larger lots have a greater capacity to accommodate larger-scaled development.
The proportion of land sterilised by setbacks is also reduced.
Measure: \(< 1000sqm \) (0), \( 1000-2500sqm \) (2), \( >2500sqm \) (5)

**Access to rear lane**
Reason: lots with access to a rear lane have more opportunities for vehicle access and avoid access issues arising from restrictions associated with major roads.
Measure: yes (2), no (-2)

**Number of owners/tenants**
Reason: multiple ownerships such as strata-titled properties and multiple commercial tenancies can be more challenging to achieve owner agreement to redevelop.
Measure: 1 (5), 2-5 (-2), 5-10 (-5), 10 (-10)

**Significant business operation**
Reason: a large business operation is likely to have a strongly vested interest in its location and a subsequent reluctance to relocate.
Measure: yes (-2), no (0)

**Condition of building stock**
Reason: building stock in a poor condition is likely to require a decision to renovate or redevelop, or may suggest an intention to redevelop in the near future.
Measure: poor (5), satisfactory (0) good, (-5)
**Age of building stock**  
Reason: recent buildings are unlikely to be considered as redevelopment opportunities.  
Measure: <20 years (-10), 20-40 years (-2), >40 years (0)

**Heritage listing/significance**  
Reason: heritage listed buildings are likely to be constraining to wholesale or significant redevelopment of a lot. Measure: state or not listed (-5), locally listed -2) not listed (0).

**Significant trees on site**  
Reason: the presence of significantly sized trees on a lot may be constraining to wholesale redevelopment of the lot.  
Measure: yes (-1), no (0) and (-1 per tree)

**Views or potential views from upper levels**  
Reason: the presence of views (such as to a park) or potential views (such as to the river), significantly increase the sale price of developed accommodation.  
Measure: yes (5), no (0)

**Less than 800 metres to train station**  
Reason: Proximity to a train station is more likely to attract planning incentives such as reduced parking provision, and increases the attractiveness (and, hence, the value) of developed accommodation.  
Measure: Yes (2), No (0)

**Site slope**  
Reason: A steeper site generally increases construction costs, but a moderate slope also allows for access to grade-separated parking areas.  
Measure: Flat (0) Moderate 2-4m rise (2) Steep 4m+ rise (5)

**Residential dwellings to the south**  
Reason: A building immediately to the north of residential development is likely to be restricted in height, which will limit the redevelopment of the site.  
Measure: Yes (-2), No (0)

**Institutional or civic use**  
Reason: An institutional or civic building has a specific purpose and is unlikely to be redeveloped unless it is an outstanding opportunity.  
Measure: Yes (-10), No (0)
## Attachment 3 – Assessment Scores Table

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<thead>
<tr>
<th>Street Number</th>
<th>Corner lot</th>
<th>Vacant lot</th>
<th>Building length</th>
<th>Lot size</th>
<th>Bear lane</th>
<th>Ownership</th>
<th>Business</th>
<th>Building Quality</th>
<th>Building age</th>
<th>Heritage</th>
<th>Trees on site</th>
<th>Views</th>
<th>800m to train</th>
<th>Site slope</th>
<th>Homes to south</th>
<th>Institutional use</th>
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Attachment 4 - Analysis Maps

Legend

Strong likelihood of redevelopment
Moderate likelihood of redevelopment
Limited likelihood of redevelopment
Minimal likelihood of redevelopment

Local heritage listing
State heritage listing

Map 1: Boundary to Anstey Street

Map 2: Arieke Street to Wilson Street
Map 5. Albert Street to Stirling Road

Map 6. Stirling Road to Bayview Terrace
## Attachment 6 - Indicative Development Typologies

<table>
<thead>
<tr>
<th>TYPOLOGY 1</th>
<th>APPLICATION</th>
<th>VARIATIONS</th>
<th>INDICATIVE DENSITY/YIELD:</th>
<th>INDICATIVE SITE PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBURBAN MAISONETTE</strong></td>
<td>A small apartment building with a similar mass and appearance to a large house.</td>
<td>Suits smaller development parcels (&lt;1000sqm) in a squarer configuration and as interface between larger scale Highway or town centre development and the suburban residential hinterland.</td>
<td>(3 storeys) Notional lot size: 900sqm Dwelling yield: 11 dwellings Notional parking requirement: 15 cars Indicative density: 122 du/site ha R-Code required: R60 (tight) – 80</td>
<td><img src="image" alt="Indicative Site Plan" /></td>
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</table>

- Could be adapted to mixed use.
- Could have either rear or front-loaded vehicle access with basement or at-grade parking depending on lot size.
- Could be either two- or three storeys.
- Easy to adapted to sloping sites.

Notional lot size: 900sqm

Dwelling yield: 11 dwellings

Notional parking requirement: 15 cars

Indicative density: 122 du/site ha

R-Code required: R60 (tight) – 80
<table>
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<tr>
<th>TYPOLOGY 2</th>
<th>APPLICATION</th>
<th>VARIATIONS</th>
<th>INDICATIVE DENSITY/YIELD:</th>
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<tr>
<td>PERPENDICULAR TERRACE</td>
<td>A small three-storey terrace of apartments consisting of single-level</td>
<td>Suits smaller development parcels (&lt;1000sqm) in a longer and thinner</td>
<td>Notional lot size: 720sqm</td>
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<td>apartments on the ground level with double-storey apartments above, with</td>
<td>configuration.</td>
<td>Dwelling yield: 8 dwellings</td>
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<td>the top level of the double-storey apartments opening out onto a private</td>
<td>Could be adapted as an interface between larger scale Highway or town</td>
<td>Notional parking requirement: 10 cars</td>
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<td>screened roof-top 'sky balcony'.</td>
<td>centre development and the suburban residential hinterland or for a thin</td>
<td>Indicative density: 111 du/net ha</td>
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<td></td>
<td>Only works well with rear vehicle access.</td>
<td>lot with frontage to the Highway and a right-of-way at the rear.</td>
<td>R-Code required: R60 (tight) – R80</td>
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Plan and image courtesy of Peter Hobbs
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<th>TYPOLOGY 3</th>
<th>APPLICATION</th>
<th>VARIATIONS</th>
<th>INDICATIVE DENSITY/YIELD:</th>
<th>INDICATIVE SITE PLAN</th>
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<tbody>
<tr>
<td>COMPACT URBAN MIXED-USE TERRACE BLOCK</td>
<td>Suits a town centre and urban highway location. Access should ideally be from the rear.</td>
<td>Could be adapted to residential only by increasing the primary setback and introducing ground floor residential in lieu of commercial uses. Could be adapted to sloping sites. Could be increased in height where appropriate to the context. Could be utilised on wider lots either with multiple courtyards or a longer single courtyard.</td>
<td>Notional lot size: 800sqm Dwelling yield: 12 dwellings Commercial yield: 280sqm Notional parking requirement: 23 cars Indicative density: 150 du/net ha R-Code required: R80-R100</td>
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<td>A five-storey mixed-use urban building that is built from boundary to boundary to create a strong urban streetscape and tapers to 3-storeys at the rear.</td>
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<td>TYPOLOGY 4</td>
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<td>VARIATIONS</td>
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| SEMI-URBAN MIXED-USE BLOCK | A five-storey mixed-use urban building that is built from boundary to boundary at ground level but set back from the side boundaries above, to provide continuity of the street edge for pedestrians but without creating a fully urban edge. Includes a mews terrace to the rear as an interface to adjacent suburban residential areas. | Could be adapted to residential only by increasing the primary setback, setting back the ground level from the side boundaries and introducing ground floor residential in lieu of commercial uses. Could be adapted to sloping sites. Could be increased in height depending on the context. Could be utilised on wider lots by replicating the module. | Notional lot size: 1600sqm Dwelling yield: 20 dwellings Commercial yield: 550sqm Notional parking requirement: 43 cars Indicative density: 125 du/net ha R-Code required: R80-100 | ![Indicative Site Plan](image)
<table>
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<th>TYPOLOGY 5</th>
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<th>VARIATIONS</th>
<th>INDICATIVE DENSITY/YIELD:</th>
<th>INDICATIVE SITE PLAN</th>
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<td>COURTYARD BLOCK</td>
<td>Suits an urban highway location or, if only residential, a residential area. Access should ideally be from the rear.</td>
<td>Could be adapted to residential only by increasing the primary setback, setting back the ground level from the side boundaries and introducing ground floor residential in lieu of commercial uses. Could be adapted to sloping sites. Could be increased in height where appropriate to the context. Could be utilised as a corner solution.</td>
<td>Notional lot size: 1600sqm Dwelling yield: 20 dwellings Commercial yield: 350sqm Notional parking requirement: 36 cars Indicative density: 125 du/net ha</td>
<td><img src="image1.png" alt="Indicative Site Plan" /></td>
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<td>TYPOLOGY 6</td>
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<td>CORNER MIXED-USE BLOCK</td>
<td>Suits a town centre and urban highway location. Access should ideally be from the rear.</td>
<td>Could be adapted to residential only by increasing the primary setback, setting back the ground level from the side boundaries and introducing ground floor residential in lieu of commercial uses. Could be adapted to sloping sites. Could be increased in height where appropriate to the context. Could be utilised on wider lots by replicating the module.</td>
<td>Notional lot size: 1600sqm Dwelling yield: 21 dwellings Commercial yield: 500sqm Notional parking requirement: 44 cars Indicative density: 132 du/net ha</td>
<td><img src="image" alt="Indicative Site Plan" /></td>
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<td>TYPOLOGY 7</td>
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| ARLIE STREET | Site specific | NA         | Notional lot size: 15,708 sqm  
Gross floorspace: 42,900 sqm  
Net floorspace (70% gross): 30,030 sqm  
Indicative plot ratio: 1.91:1  
Indicative dwelling yield: 364 dwellings*  
Building height: 2/3 - 8 storeys  
*70sqm/du based on 85% net floor area |
Attachment 7 – 3D Modelling to Determine Potential Yield and Density Coding

The following images illustrate the 3D ‘Sketch-up’ modelling undertaken for the sites determined through the analysis process to be “more likely to be developed”. The building forms for these sites are informed by the broad principles and the suggested development controls in respect to height and setbacks.

The models enabled estimations of floor space, plot ratio and dwelling yields, and, as a consequence, a recommendation for appropriate density codes. The models were also used to confirm that the built form did not result in unacceptable overshadowing to adjacent lots or streets.
Attachment 8 – Advertised MRS Amendment No. 1210/41
Rationalisation of Stirling Highway Reservation – Proposed Rezoning
Attachment 9 – Advertised MRS Amendment No. 1210/41
Rationalisation of Stirling Highway Reservation – Property Impacts
Attachment 10 – TPS 3 Zoning

Town Centre zone: R80, Height Council’s discretion

Residential zone: Ranges from R15 to R40, Height 6.6m

Highway zone: R40, Height 12m

LEGEND

METROPOLITAN REGION SCHEME RESERVES

LOCAL SCHEME RESERVES

OTHER

ZONES
Attachment 11 – Changes suggested to TPS 3 Zoning Map

Town Centre and Highway zoned land in the Central Town Centre Precinct: R-AC: Stirling Highway - 4 storeys ‘street wall’ + 2 additional if set back (6 storeys); mixed use/non-residential streets - 3 storeys ‘street wall’ + 2 additional if set back (5 total); residential streets - 2 storeys ‘street wall’ + 1 additional if set back; key designated sites - 4 storeys and 4 additional if set back.

Highway zone and residential zoned land in the Eastern Highway Precinct: R100: Stirling Highway - 4 storeys ‘street wall’ + 2 additional if set back (6 total); residential streets and where adjacent to houses not in study area - 2 storeys ‘street wall’ + 1 additional if set back; key designated sites - 4 storeys ‘street wall’ + 4 additional if set back.

Residential Zoned land in the Western Residential Precinct: R80: Stirling Highway - 4 storeys ‘street wall’ + 2 additional if set back (6 total); residential streets, and where adjacent to houses not in study area - 2 storeys ‘street wall’ + 1 additional if set back; key designated sites - 4 storeys and 4 additional if set back.

Change portion of land from Parks and Recreation and R.O.W. to Highway Zone.