

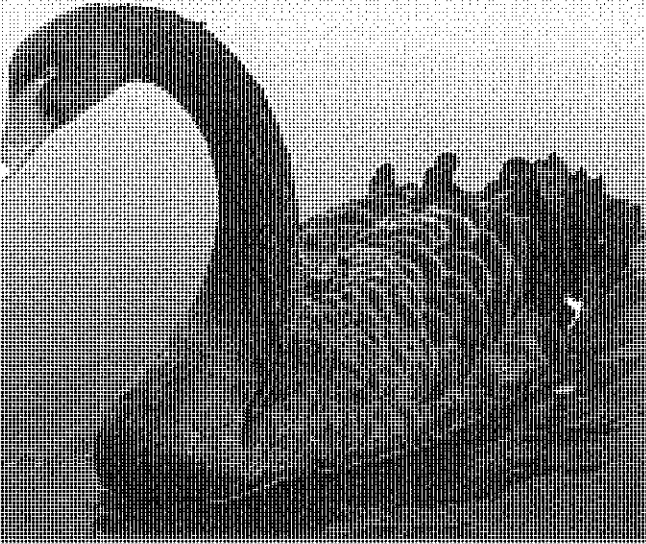
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September 2009

Metropolitan Region Scheme Amendment 1162/41



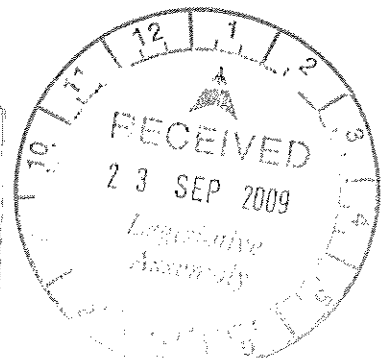
Claremont North East Precinct

Report on Submissions

Town of Claremont



WESTERN AUSTRALIA
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Legislative Assembly
23 SEP 2009
This paper should not be
removed from the Chamber



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**Metropolitan Region Scheme
Amendment 1162/41**

Claremont North East Precinct

Report on Submissions

Town of Claremont



September 2009

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Introduction to Metropolitan Region Scheme major amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme (MRS) under review and initiating changes where they are seen as necessary.

The MRS sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

A proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is considered necessary, and informs people how they can comment through the submission process.

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. Should it require formal assessment, an environmental review is undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the recommendations of the WAPC for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcripts of all hearings are reproduced in this volume.

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Published under separate cover

Submissions

Transcript of Hearings

Metropolitan Region Scheme Amendment 1162/41

Claremont North East Precinct

Report on Submissions

1 Introduction

At its August 2008 meeting, the Metropolitan Region Planning Committee (MRPC) acting under delegated authority from the Western Australian Planning Commission (WAPC), resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS) in accordance with the provisions of Section 41 of the *Planning and Development Act 2005*.

2 The proposed amendment

The amendment proposal was described in the previously published *Amendment Report* and description of the proposal is repeated below.

The purpose of this amendment is to rezone approximately 9.4 ha of land surrounding the Claremont Football Club Oval from the parks and recreation (restricted public access) reservation to primarily an urban zone in the MRS. The amendment also removes the other regional roads reservation from Shenton Road and Claremont Crescent. Minor rationalisation of the northern portion of the railways reservation is also proposed.

The amendment will facilitate a Transit Oriented Development for the Claremont North East Precinct which in close proximity to the Claremont Rail Station and Town Centre, following detailed local structure planning and subdivision approval.

The subject land is located within the Town of Claremont and is bounded by the railway line to the south, the Royal Agricultural Society to the east, existing urban uses and regional recreation facilities to the north and West Coast Highway to the west. The land is well located for a Transit Oriented Development as it is within walking distance (approximately 220 metres) of the Claremont Town Centre and is approximately 150 metres from the Claremont Train Station. Bush Forever Site 220 (Lake Claremont) is located to the north-west and the subject land has been highly modified and is generally devoid of natural vegetation.

Lot 1798 contains the Claremont Football Club, in which the oval is to be retained in its current location within the parks and recreation (restricted public access) reservation. Claremont oval is currently fenced and public access is restricted. It is envisaged that the site will undergo significant redevelopment of its building facilities and the oval would become accessible to the public. Lot 1798 also contains a Council depot to the east which is to be relocated.

The Police and Community Youth Centre (PCYC) is located to the north on Lot 6156, the site is proposed to be rezoned from parks and recreation reservation (restricted public access) to urban.

Approximately 1,543 m² of the northern portion of the railways reservation is to be rezoned to urban to form part of the development. The site is currently used as informal overflow parking for the Claremont Rail Station 'Park and Ride' facilities.

Land use and development within the amendment area is generally controlled by the Town of Claremont Town Planning Scheme No. 3 (TPS 3). The PCYC, Claremont Football Club and Claremont Depot are primarily designated as "parks and recreation (restricted public access)" reservations. The balance of the land is reserved as either "other regional roads" (Shenton Road and Claremont Crescent), "railways" or has "no zone" under TPS 3.

3 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act*.

A copy of the notice from the EPA was included in the previously published amendment report.

4 Call for submissions

The amendment was advertised for public submissions from 20 January 2009 to 24 April 2009.

The amendment was made available for public inspection during ordinary business hours at:

- i) the Department for Planning and Infrastructure, Perth;
- ii) the offices of the Cities of Perth and Fremantle and Towns of Claremont and Cottesloe; and
- iii) the State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in *The West Australian* and the *Sunday Times* newspapers and relevant local newspapers circulating in the locality of the amendment.

5 Submissions

212 submissions were received on the amendment (includes two late submissions). An alphabetic index of all the persons and organisations lodging submissions is at Schedule 1.

128 submissions supported the amendment, 68 submissions objected to the amendment and 16 submissions (mostly State Government agencies) contained neutral comments, non-objections or general comments on the amendment. Eight submissions requested a hearing (5 of objection, 2 of comment and 1 of support).

The main issues raised in the submissions are discussed further in Section 7 below - "Main Issues Raised in Submissions". A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions are published under separate cover.

6 Hearings

Section 46 of the *Planning and Development Act 2005* provides that each person who makes a submission is to be offered the opportunity of being heard by a Committee formed by the WAPC for that purpose.

Following preliminary consideration of the matters raised in submissions, the MRPC resolved to form a committee to hear the submissions. The Committee comprised:

- Cr Corinne McRae - member of the WAPC (Chairperson)
- Cr Lynley Hewett - member of the WAPC (Western Suburbs District Planning Committee)
- Mr Mike Klyne, as an independent member.

All persons who made submissions were invited to present their submission to the Hearings Committee.

Five hearings (3 of objection, 1 of comment and 1 of support) on the amendment were requested and these occurred on 24 June 2009.

7 Main issues raised in submissions

7.1 Supporting Comments

The following comments of support were received from 128 submitters and are summarised as follows:

- The amendment has considerable merit and should be approved by the WAPC and the Minister;
- The amendment represents a thorough and considered proposal that reflects contemporary planning principles and is consistent with State and Federal strategic planning directives;
- The amendment complies with the aims and objectives of documents such as State Planning Policy 3 (Urban Growth and Settlement), Network City, the State Sustainability Strategy, Liveable Neighbourhoods, Development Control Policy 1.6 (Planning to Support Transit Use) and Transit Oriented Development achieving the following:
 - facilitating a sustainable pattern of development which reduces energy and travel demand by virtue of its inner metropolitan location and proximity to public transport;
 - building on an established community and concentrating investment in the improvement of services and infrastructure in the community;
 - sensibly managing growth and development by consolidating and existing urban area;
 - improving the efficiency of urban land use and investment in public transport infrastructure;
 - protecting the environment by improving resource efficiency and energy use;
 - enhancing community vitality through improved access to services and facilities;

- aligning transport systems and landuse to optimise accessibility through the concentration of residential land uses in proximity to important public transport nodes;
- providing opportunities for a diversity of accommodation in the area;
- improving the general amenity of the area by revitalising the built form;
- maximising the opportunity to increase residential, employment, retail, community and entertainment activity around key transport nodes and in major centres;
- improving the efficient land use around rail stations and public transport transit corridors, thereby maximising the environmental and economic benefits of rail investment; and
- reducing the adverse effects of urban sprawl by concentrating development within the existing urban area.

WAPC Response

The 128 submissions in support of the amendment are noted.

In summary, the submitters support the amendment as it complies with the aims and objectives of various policies such as:

- *State Planning Policy 3 (Urban Growth & Settlement);*
- *Network City;*
- *The State Sustainability Strategy;*
- *Liveable Neighbourhoods;*
- *Development Control Policy 1.6 (Planning to Support Transit Use);*
- *Transit Oriented Development.*

Submissions Noted

7.2 Objecting Comments

The following comments of objection were received from 68 submitters and are summarised as follows:

Car Parking Issues

- the Claremont Park and Ride is used by the residential and business community and residents throughout the western suburbs;
- the loss of the Claremont Park and Ride (and informal free parking) will make it impossible for many of the current users to get to the city; the use of buses is not an alternative option which is supported;
- the four carparks that make up the Claremont Park and Ride have been independently assessed by the City of Nedlands to be at capacity at peak times; elimination of these carparks would create significant community opposition;
- the existing carparking area has approximately 400-500 cars parked everyday; the number of cars parking at the station has been increasing over the past three years;
- the proposed two storey carpark to be built at the corner of Graylands and Shenton Roads with a minimum of 200 carparking bays is not large enough;
- the 300 metre distance to the new carpark is not safe at night and the cost of parking is not justified;
- the resultant residential development will create additional demand for carparking;

- it appears that developments in the locality are being considered in isolation and in an ad-hoc manner; and
- apart from train commuters, consideration should be given to shoppers who use the carpark; this includes weekend use of the Royal Show grounds and for the elderly and disabled.

WAPC Response

It is noted that the intent of the amendment is to amend the MRS to facilitate the development of the Claremont North East Precinct project. The issues relating to the loss of carparking will be comprehensively addressed at the detailed local structure planning stage in which WAPC approval will be required.

The draft North East Precinct structure plan incorporates Transit Oriented Development principles aimed at increasing public transport patronage and reducing private car use. It is proposed that the development will be based on reduced car dependence. An important component of the structure plan is the preparation and approval of a car parking management strategy for the North East Precinct. In support of the North East Precinct project the following studies have also been undertaken:

- *Claremont Road Network Analysis Study (Sinclair Knight Mertz, September 2008);*
- *Claremont North East Precinct Transport Study (Sinclair Knight Mertz, September 2008); and*
- *Carpark Usage at Claremont Rail Station (Patterson Market Research, March 2008).*

Submissions Dismissed

Height & Density Issues

- do not support the proposed development as it will be cramped and unattractive; the existing streetscape should be enhanced;
- the number of residential buildings will set a precedent for high density development in the Claremont locality;
- The Claremont Quarter development will intensify the North East Precinct and create a heavy bulky area; more innovative design is required to reduce the height, size and bulk of buildings in this locality;
- suggest that as an alternative, rezoning the following areas to a higher density (greater than four stories):
 - vacant land on the north-east side of the Ashton Street Bridge;
 - residential development around the Claremont Football Oval without realigning Shenton Road;
 - rezoning the unused yard on the north side of the Claremont Railway station.

WAPC Response

As with the above carparking issues the intent of the amendment is to amend the MRS to facilitate the development of the Claremont North East Precinct project. The issues relating to the height and density of the proposed development will be comprehensively addressed at the detailed local structure planning stage in which WAPC approval will be required.

In order to meet the objective of a Transit Oriented Development and reduce vehicle movements by establishing an environment catering for live/work, amenity and leisure, the residential component of the proposed development provides for a dwelling mix that allows

for all socio-economic groups, including employees. Maximising residential density in the North East Precinct by developing a diverse range of well-designed dwelling options creates the opportunity for residents to live near to where they work and recreate. The resultant development is not considered excessive in the context of alleviating the problems associated with urban sprawl.

The retention of the existing Claremont Football Oval playing arena will also provide the precinct with a village green-style area of Public Open Space. The provision of this facility, with high levels of passive surveillance from the surrounding residential accommodation and pedestrian path system, will create a safe and attractive public environment that will serve to promote a healthy lifestyle.

Submissions Dismissed

Removal of other regional roads reservation

- The removal of the other regional roads reservation from Shenton Road and Claremont Crescent is not supported;
- The realignment of Shenton Road is not safe and has not been carefully considered;
- Request the WAPC initiate a road transport study to ensure major transport routes to and past the Claremont Railway Station do not become congested to the detriment of surrounding residents.

WAPC Response

The rationale for the removal of the other regional roads (ORR) reservation is detailed within a Strategic Issues Paper prepared by Sinclair Knight Merz in September 2008. In summary, the existing ORR reservation severely restricts the functioning of the area as a Transit Oriented Development, as it reduces access and creates a significant barrier between the North East Precinct and the Claremont Train Station. It is considered that failure to amend the MRS to remove the ORR designation would seriously compromise the Transit Oriented Development. Projected traffic growth in Claremont's North East Precinct is low. Both Claremont Crescent and Shenton Road would be able to accommodate the traffic whilst remaining two lane local access roads.

The Road Network Analysis Report prepared by SKM clearly demonstrates that there is little evidence that Shenton Road and Claremont Crescent perform a significant regional or sub-regional traffic function. Furthermore, regional operations modelling for 2031 demonstrates that this is unlikely to change in the foreseeable future. The modelled options were assessed against a series of performance indicators including economic / transport, social and environmental priorities. The performance analyses showed that both Claremont Crescent and Shenton Road have a minor function within the sub regional and regional road networks. Given that ORR's function as key regional and sub regional routes, controls on access are intended to minimise local traffic entering and exiting the traffic flow thereby affecting levels of service. An appropriate road cross-section will be developed, which will cater for all road users, during the detailed design stage.

Shenton Road is proposed to be realigned and will assist in moderating traffic speeds as will the provision of embayed car parking and the installation of traffic signals at the intersection of Shenton Road and Davies Road. The design of Davies Road and Graylands Road will provide adequate verge widths for pedestrians. Traffic lane width will be restricted based on the requirements of buses and on-street cycle lanes on both sides of these roads which will add to cycling safety, connectivity and amenity.

Road safety will be managed through design and the allocation of additional space within the road reserve will help to balance the function of streets as shared spaces, particularly along Shenton Road. Specific design features that will help contribute to this aim include street trees and other plantings, medians and street furniture. A requirement at the structure planning stage is a traffic management plan which will address parking overflow into the surrounding residential areas.

It is also important to note that the Sustainable Transport Committee of the WAPC has supported the DPI initiating further consultation with the Town of Claremont, City of Nedlands and the City of Subiaco regarding the possible ORR reservation of Railway Road/Guger Street and a potential MRS regional road link from Subiaco through Stirling Highway, Claremont.

Submissions Dismissed

7.3 General Comments

Project Management Arrangements

The Police & Community Youth Centre (PCYC) has requested clarification on project management arrangements as follows:

- The PCYC is supportive of the proposed Urban zoning of the Claremont North East Precinct;
- Concerned about the implications of the project on the PCYC activities and youth in the locality;
- This project will require relocation of the PCYC, however until an alternative site is found in the locality, the PCYC will remain on the current site with implications for the project;
- The current project management arrangements are unclear. The PCYC is concerned that it has not been adequately involved in this project;
- Clarification is sought on which government agency will be leading this project and how will key sites within this project be assembled and acquired; and
- Uncertainty regarding the implementation of the project has major impacts on the PCYC's ability to manage and plan its resources. It is essential that arrangements are reached.

WAPC Response

In relation to project management arrangements, the Town of Claremont has been managing various aspects of this project. The Department for Planning and Infrastructure and various other government agencies have also been involved to date.

However, the Hearings Committee has noted that future implementation of this project requires project management arrangements to be clarified. It is suggested that clarification be obtained from the Town of Claremont for any further project management details given the MRS amendment is only a component in the delivery of this project.

Submission Noted

Modifications to Amendment

Taylor Burrell Barnett on behalf of the Town of Claremont supports the amendment and requests the following minor modifications to the proposed urban zone component of the

amendment. The modifications result from minor refinements to the North East Precinct structure plan and are as follows:

- (a) Minor modification to the oval is required following refinement of the existing boundaries;
- (b) & (c) As with (a) above minor refinement to the area of Railways reservation to be zoned Urban is required following detailed examination of on-site conditions.

WAPC Response

These modifications are supported as they are minor in nature and result from refinements to the Claremont North East Precinct structure plan, in particular they relate to the southern boundary of the oval and existing railway fence line more accurately reflecting on-site conditions. These modifications are minor in nature and are supported without re-advertising.

Submission upheld.

8 Modifications

The Town of Claremont has requested minor modification of the proposed urban zone resulting from refinements to the North East Precinct structure plan. As these modifications are minor in nature and reflect existing on-site conditions re-advertising of the amendment is not required.

9 Responses and determinations

The responses to all submissions are detailed in this report. The submissions of objection are recommended to be dismissed. The submission from the Town of Claremont requesting minor modifications to the amendment is supported.

10 Coordination of region and local scheme amendments

Section 126(3) of the *Planning and Development Act 2005* allows for the concurrent amendment of a local planning scheme where land is to be transferred to the urban zone in the MRS. The Town of Claremont has requested that the land to be zoned urban, be concurrently amended to the "Development" zone, with the exception of Claremont Crescent. The Western Australian Planning Commission agrees to this request.

11 Conclusion and recommendation

This report summarises the background to major Amendment 1162/41 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the modified amendment as shown generally on Figure 1 in Schedule 4, and in detail on the MRS Amendment Plan listed in Appendix 2 should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning presents the modified amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1162/41

Claremont North East Precinct

Submission Number	Name	Submission Number	Name
187	Agustania, Rina	57	Doherty, Edmund
144	Alex Lim Chow Tat	21	Dolan, Victoria
23	Anonymous	19	Edson, Debbie
186	Arkley, Mark	205	Education and Training, Department of
70	Arnold, Ken	79	Ellis, Peter Fredric
185	Arnold, Marcus	11	Eskinazi, Genevieve
102	Arnold, Peter John	170	Ewing, Juanita
24	Ashford, Benjamin	80	Fairbrass, John
55	Bailey, Gillian	51	Fox, Pamela
65	Balfe, Mike	193	Franklin, John
63	Barretto, Rose	93	Garner, Barbara
184	Barry, Abigial	77	Garner, Stan
200	Bell & McGarry, John & Maureen	76	Gascoigne, Garry James
210	Berryman, Peter Michael	169	Gaunt, Graham R
183	Bettenhausen, Marc	165	Genovese, Daniel
10	Betton, Jasmin	100	Gerreyn, Russell
60	Blockley, Peter	168	Gilbert, Rowan
182	Borrell, Ian	167	Gill, Barbara
47	Boxshall Family	166	Gill, Hugh Statham
208	Bradbury, Terence John	87	Gilles, Raymond Keith
181	Bradley, Hayley	39	Godfrey, David
195	Brans, Barbara	38	Godfrey, Madeline
37	Bridge, J & MJ	29	Gollow, Charlie
107	Broadley, Ann	163	Gomes, Mylene
109	Broadley, Samantha	188	Gong, Zee Wei
180	Bruno, Anthony	190	Gong, Zee Yeow
31	Butt, Jasmine	64	Goodison, Caroline
147	Cado Yih Lee	84	Graffin, Ronald Alfred
176	Cahn, Nicholas	35	Green, Anthony
179	Cera, Rebecca	164	Gregson, Roger
178	Chambers, Tristan	81	Haggerty, Ian
207	Chapman, John	162	Hale, Justin
177	Chia, Jen Lin	62	Harding, Katie
204	Claremont, Town of	69	Hawthorne, Rita
44	Clarke, Ann	161	Hayes, Aliesha
33	Collins, Di	14	Health, Department of
174	Cook, Peter Warren	86	Hill, Garry
173	Costanzo, Giuseppe	199	Hill, Warwick
2	Cracknell, Dean	27	Hodgson, Christine
59	Craven, Dinah	159	Holdaway, Brenton
17	Crouch, Maree	191	Horley, Nicola
61	Davies, Jenni	158	Howard, Samantha
172	Daymond, Kate	111	Iemma, Frank
73	Dempster, Dallas R	5	Indigenous Affairs, Department of
160	Detlel, Heintz		

Submission Number	Name
58	Jazmyn
198	Keat, Amanda
155	Kenney, John
156	Kenney, Sandra
157	Kho, Chui Chui
104	Kilburn, Darryl
105	Kilburn, Ty
153	Knyvett, Janice
152	Knyvett, John
151	Kong, John
22	Kristy
150	Krupa, Ernest Robert
149	Krupa, Helen Frances
203	LandCorp
32	Lang, Liz
106	Laurie, Jock
113	Lee Wun Young
148	Lee, Annie
146	Lenzo, Frank
145	Lenzo, Giuseppe
117	Leonard William Wong Choo Hung
143	Limerick, Joseph
142	Ling, Abel
141	Loxley, Kay
20	Lyons, Joan
26	Maaskant, Kate
88	Manea, Denis
94	Manea, Merle Diane
110	Manser-Smith, Narelle
139	Manser-Smith, Tim
75	Marshall, Denis
74	Marshall, Wendy D
96	Maskiell, Elanor Kaye
140	Math, James Alan
97	Matson, Tom
137	McAlindon, Joshua
136	McCaffrey, Adrienne
50	McCrudden, Anne
41	McElhinney, Conor
99	McGann, P B
42	McGeorge, Heather
154	McInerney, Denis
43	McKeon, Rhea
82	McKercher, Malcolm
52	McKerracher, Peter
36	McManus, Leo
138	Mead, Kate
85	Medaly, David
95	Medcalf, Shirley
197	Milne, Moira
34	Molinari, Raymond
206	Monaghan, Michael

Submission Number	Name
46	Moore, M & L
25	Moss, Ashley
135	Murphy, Gareth
201	Mutua, Susan
48	Neal, Sandra
4	Nedlands, City of
134	Neems, Rebecca Ann
40	Nicholson, Ross
15	O'Halloran, Kara
209	O'Sullivan, Don
101	Oldfield, Christopher
16	Oldfield, J (Represented by Greg Rowe & Associates)
133	Patel, Pruthvish V
196	Payne, Christine J
132	Perrella, Tania
18	Pollastri, Remo
28	Pope, Alida
131	Potgieter, Owen
92	Power, Doreen
192	Purich, Ariaan
130	Quin-Conroy, Di
129	Rafferty, Paul
71	Richardson, Nathan
45	Roberts, Vince
98	Rowe, Keith
8	Royal Agriculture Society
30	Rule, Lise
128	Salbie, Akabar
78	Sale, James
72	Saracani, Luke
127	Savage, Kevin
103	Sawyer, William George
126	Schoeman, Michelle
90	Shimmon, Todd
68	Sidhom, Katherine
194	Singh, Varun
112	Soon Loong Yong
125	Sutton, David
7	Swan River Trust
124	Tadsanaprasittipol, Antra
171	Tan Tze Ee
108	Tatulli, Ben
202	Taylor Burrell Barnett
123	Teh, Wei Mim
49	Thomas, Chris
56	Thurston, Kay
122	Toh, K C
12	Tourism Western Australia
13	Tucker, Sonya

Submission Number	Name
91	Tunbridge, Peter Brett
89	Venables, Ken
66	Wall, David
6	Water Corporation
9	Water, Department of
53	Watt, Toby
54	Webb, Matt
83	Webster, Andrew
121	West, Michael
120	West, Sally
67	Western Australian Police and Community Youth Centres
1	Western Power
3	WestNet Energy
119	Weston, Callum Joseph
118	Whelan, Marion
189	Wong, Aaron
116	Wood, Dean
115	Wood, Rebecca
114	Wood, Susana
175	Yean Chuan Seng
Late Submission	Name
	Main Roads Western Australia Public Transport Authority

Schedule 2

Summary of submissions and determinations

Submission: 1

Submitted by: Western Power

Summary of Submission:

COMMENT

Western Power has no objection to the amendment and advises that any alteration to their existing assets will be at the developer's cost.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 2, 16, 72 - 190, 203, 204, 206 - 210

Submitted by: See Schedule 1

Summary of Submission:

SUPPORT

The following comments of support were received from the above 128 submitters and can be summarised as follows:

- The amendment has considerable merit and should be approved by the WAPC and the Minister;
- The amendment represents a thorough and considered proposal that reflects contemporary planning principles and is consistent with State and Federal strategic planning directives;
- The amendment complies with the aims and objectives of documents such as SPP 3 (Urban Growth & Settlement), Network City, the State Sustainability Strategy, Liveable Neighbourhoods, DC 1.6 (Planning to Support Transit Use) and Transit Oriented Development achieving the following:
 - Facilitating a sustainable pattern of development which reduces energy and travel demand by virtue of its inner metropolitan location and proximity to public transport;
 - Building on an established community and concentrating investment in the improvement of services and infrastructure in the community;
 - Sensibly managing growth and development by consolidating and existing urban area;
 - Improving the efficiency of urban land use and investment in public transport infrastructure;

- Protecting the environment by improving resource efficiency and energy use;
- Enhancing community vitality through improved access to services and facilities;
- Aligning transport systems and land use to optimise accessibility through the concentration of residential land uses in proximity to important public transport nodes;
- Providing opportunities for a diversity of accommodation in the area;
- Improving the general amenity of the area by revitalising the built form;
- Maximising the opportunity to increase residential, employment, retail, community and entertainment activity around key transport nodes and in major centres;
- Improving the efficient land use around rail stations and public transport transit corridors, thereby maximising the environmental and economic benefits of rail investment; and
- Reducing the adverse effects of urban sprawl by concentrating development within the existing urban area.

Submission 204 was supported by a Hearing.

Planning Comment:

Refer to Part 7 of the Report on Submissions.

Determination:

Submissions noted.

Submission: 3
Submitted by: WestNet Energy

Summary of Submission:

COMMENT

WestNet Energy has no objection to the amendment and advises that any alteration to their existing assets will be at the developer's cost.

Planning Comment:

Comments noted. The proponent has been advised of the above requirements.

Determination:

Submission noted.

Submission: 4
Submitted by: City of Nedlands

Summary of Submission:

OBJECTION

The City of Nedlands objects to the amendment as follows:

- (a) Opposes the removal of the Other Regional Roads reservation for Shenton Road and Claremont Crescent;
- (b) Does not support the reduction of existing unpaid carparking bays alongside the Claremont Railway Station; and
- (c) Objects to any change in the amount and location of free park and ride facilities in close proximity to the Claremont Railway Station.

Planning Comment:

Refer to Part 7 of the Report on Submissions.

This submission was supported by a Hearing.

Determination:

Submission dismissed.

Submission: 5

Submitted by: Department of Indigenous Affairs

Summary of Submission:

COMMENT

A search of the Register of Aboriginal Sites has been undertaken for the area concerned and no Aboriginal sites have been found. However, the subject land is in close proximity to DIA 3762 (Lake Claremont) and any impact to this site will require prior permission from the Minister for Indigenous Affairs under Section 18 of the *Aboriginal Heritage Act 1972* (the Act).

Although it is possible that there may be sites on the land that have not yet been entered onto the Register of Aboriginal Sites. The Act protects all Aboriginal sites in Western Australia whether they are known to the Department of Indigenous Affairs (DIA) or not.

Prior to any proposed development/activity, it is recommended that suitably qualified consultants be engaged to conduct ethnographic and archaeological surveys of the area. This should ensure that all Aboriginal interest groups are consulted so that all sites on the land are avoided or identified. Such a survey would involve archival research, consultations and on-ground inspections. A survey should also ensure that the provisions of the Act are met.

It is DIA's preference that any development plans are modified to avoid damaging or altering any site. If this is not possible, and in order to avoid committing an offence under the Act, the landowner should seek the prior consent of the Minister for Indigenous Affairs to use the land. This is done by submitting a notice in writing under Section 18 of the Act to the Aboriginal Cultural Material Committee. Further information can be found on the DIA's website: www.dia.wa.gov.au/Heritage--Culture/.

Planning Comment:

Comments noted. The requirements of the *Aboriginal Heritage Act 1972* will be undertaken in the subsequent local structure planning stage to the satisfaction of the Department of Indigenous Affairs.

Determination:

Submission noted.

Submission: 6

Submitted by: Water Corporation

Summary of Submission:

COMMENT

The Water Corporation has no objections to the amendment and advises that the proposed development will require infrastructure upgrades at the developers cost.

Planning Comment:

Comments noted. The proponent has been advised of the above requirements.

Determination:

Submission noted.

Submission: 7

Submitted by: Swan River Trust

Summary of Submission:

COMMENT

The Swan River Trust has no comments on the amendment.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 8

Submitted by: Royal Agricultural Society

Summary of Submission:

COMMENT

The Royal Agricultural Society (RAS) owns Lot 1798 Shenton Road, Claremont and seeks confirmation of the amendment boundary. The RAS also supports the preparation of a car parking management strategy for the North East Precinct.

Planning Comment:

Detailed examination of the amendment area confirms that approximately 14m² of the southern portion of Lot 1798 (owned by the RAS) is reserved as Other Regional Roads. The amendment proposes to consolidate the zoning of this lot, consistent with the adjacent Parks and Recreation (R) reservation. As shown on the Amendment Figure, the amendment also reserves Lot 110 Shenton Road for Parks and Recreation (R).

It is noted that a car parking management strategy will be prepared for the North East Precinct in the subsequent structure planning stage in consultation with affected landowners.

Determination:

Submission noted.

Submission: 9

Submitted by: Department of Water

Summary of Submission:

COMMENT

The Department advises that a Local Water Management Strategy (LWMS) should be prepared in conjunction with the proposed local structure plan for the site. The LWMS should be consistent with *Stormwater Management Manual for Western Australia* (DoW 2004-2007) and *Liveable Neighbourhoods* (WAPC 2007) and include, but not limited to:

- Proposed development;
- Pre-development environment;
- Design criteria;
- Water sustainability initiatives;
- Stormwater and groundwater management strategy;
- Monitoring; and
- Implementation, subdivision and an Urban Water Management Strategy.

Planning Comment:

Comments noted. The proponent has been advised of the above requirements.

Determination:

Submission noted.

Submission: 10, 15, 17 - 66, 68 - 71, 191 - 201

Submitted by:

See Schedule 1

Summary of Submission:

OBJECTION

The following comments of objection were received from 68 submitters and can be generally summarised as follows:

(a) Car Parking Issues

- The proposed residential development will create additional demand for carparking; it appears that developments in the locality are being considered in isolation and in an ad-hoc manner;
- The four carparks that make up the Claremont Park and Ride have been independently assessed by the City of Nedlands to be at capacity at peak times; elimination of these carparks would create significant community opposition;
- The Claremont Park and Ride is used by the residential and business community and residents throughout the western suburbs;
- The loss of the Claremont Park and Ride will make it impossible for many of the current users to get to the city; the use of buses is not alternative option which is not supported;
- The existing carparking area has approximately 400-500 cars parked everyday; the number of cars parking at the station has been increasing over the past three years;
- The proposed two storey carpark to be built at the corner of Graylands and Shenton Roads with a minimum of 200 carparking bays is not large enough;
- Apart from train commuters, consideration should be given to shoppers who use the carpark; this includes weekend use of the Royal Show grounds;
- The 300 metre distance to the new carpark is not safe at night, and the cost of parking is not justified; consideration for the elderly and disabled should also be given.

(b) Height & Density Issues

- Do not support the proposed development as it will be cramped and unattractive; the existing streetscape should be enhanced;
- The number of residential buildings will set a precedent for high density development in the Claremont locality;
- The Claremont Quarter development will intensify the North East Precinct and create a heavy and bulky area; more innovative design is required to reduce the height, size and bulk of buildings in this locality;
- Suggest that as an alternative, rezoning the following area to a higher density (greater than four stories):
 - vacant land on the north-east side of the Ashton Street Bridge;
 - residential development around the Claremont Football Oval without realigning Shenton Road; and
 - rezoning the unused yard on the north side of the Claremont Railway station.

(c) Removal of Other Regional Roads reservation

- The removal of the Other Regional Roads reservation from Shenton Road and Claremont Crescent is not supported;
- The realignment of Shenton Road is not safe and has not been carefully considered;

- Request the WAPC initiate a road transport study to ensure major transport routes to and past the Claremont Railway Station do not become congested to the detriment of surrounding residents.

Submissions 65 and 200 were supported by Hearings.

Planning Comment:

Refer to Part 7 of the Report on Submissions.

It is noted that comments regarding the rezoning financially benefiting the Town of Claremont, lack of transparency in the North East Precinct structure planning process and the advertising of the amendment being over the Christmas/New Year period are dismissed. In this regard, the amendment was advertised extensively, and was in excess of the statutory three month public submission period. The amendment financially benefiting the Town of Claremont and lack of transparency in the North East Precinct structure planning process are not valid planning considerations for MRS amendments.

A submitter also requested that the amendment be held in abeyance pending clarification on the possible amalgamation of the City of Nedlands and the Town of Claremont. In this regard, this is also not a valid planning consideration as the amendment is processed in accordance with the provisions of the *Planning and Development Act 2005*.

In addition to the above, the Hearings Committee also had regard to a request (via a hearing) for additional information and/or studies in support of the amendment. This was not considered necessary given the extensive investigations and studies which have been undertaken in support of the MRS amendment by the various stakeholders. More detailed studies will occur (if required) at the structure planning stage.

Determination:

Submissions dismissed.

Submission: 11
Submitted by: Genevieve Eskinazi

Summary of Submission:

COMMENT

The development of the North East precinct is supported. However, request that the same level of parking facilities be provided. Ease of parking should be available to encourage commuting to the city and other areas.

Planning Comment:

Support noted.

Refer to part 7 of the Report on Submissions.

Determination:

Submission partly dismissed.

Submission: 12

Submitted by: Tourism WA

Summary of Submission:

COMMENT

Tourism WA has no comments on the amendment.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 13

Submitted by: Sonya Tucker

Summary of Submission:

No comments provided.

Planning Comment:

Not applicable.

Determination:

Not applicable.

Submission: 14

Submitted by: Department of Health

Summary of Submission:

COMMENT

The Department of Health has no comments.

Planning Comment:

Comment noted.

Determination:

Submission noted.

Submission: 67

Submitted by: Brian Curtis

Summary of Submission:

COMMENT

The submission is prepared on behalf of the Police & Community Youth Centre (PCYC) as follows:

- The PCYC is supportive of the proposed urban zoning of the Claremont North East Precinct;
- Concerned about the implications of the project on the PCYC activities and youth in the locality;
- This project will require relocation of the PCYC, however until an alternative site is found in the locality, the PCYC will remain on the current site with implications for the project;
- The current project management arrangements are unclear. The PCYC is concerned that it has not been adequately involved in this project;
- Clarification is sought on which government agency will be leading this project and how will key sites within this project be assembled and acquired; and
- Uncertainty regarding the implementation of the project has major impacts on the PCYC's ability to manage and plan its resources. It is essential that arrangements are reached.

This submission was supported by a Hearing.

Planning Comment:

Support is noted.

Refer to Part 7 of the Report on Submissions.

Determination:

Submission noted.

Submission: 202

Submitted by: Town of Claremont

Summary of Submission:

COMMENT

Taylor Burrell Barnett on behalf of the Town of Claremont supports the amendment and requests the following minor modifications to the proposed urban zone. The modifications result from minor refinements to the North East Precinct structure plan and are as follows:

- (a) Minor modification to the oval is required following refinement of the existing boundaries;
- (b) & (c) As with (a) above minor refinement to the area of Railways reservation to be zoned urban is required following detailed examination of on-site conditions.

This submission was supported by a Hearing.

Planning Comment:

Support noted.

The Town of Claremont has advised that following minor modification of the proposed Claremont North East Precinct structure plan, refinements to the advertised amendment area (proposed urban zone) will be required. As these modifications are minor in nature and reflect on-site conditions re-advertising is not required.

Determination:

Submission upheld.

Submission: 205
Submitted by: Department of Education and Training

Summary of Submission:

COMMENT

The Department of Education and Training has no objections to the amendment.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: Late
Submitted by: Main Roads WA

Summary of Submission:

COMMENT

Main Roads WA has no objections to the amendment. However, MRWA requests to be consulted in the structure planning for the site.

Planning Comment:

Comments noted. The proponents have been advised of the above requirements.

Determination:

Submission noted.

Submission:

Late

Submitted by:

Public Transport Authority

Summary of Submission:

COMMENT

The Public Transport Authority has no objections to the amendment.

Planning Comment:

Comment noted.

Determination:

Submission noted.

Schedule 3

The amendment figure as advertised



Claremont North East Precinct - 1162/41




as advertised

12 August 2008

Figure 1

Legend

Proposed:

-  parks and recreation (restricted public access) reservation
-  parks and recreation reservation
-  urban zone

Schedule 4

The amendment figure as modified



Claremont North East Precinct - 1162/41




as modified

14 July 2009

Figure 1

Legend

Proposed:

-  parks and recreation (restricted public access) reservation
-  parks and recreation reservation
-  urban zone

Appendix 1

List of detail plans as advertised

CLAREMONT NORTH EAST PRECINCT

PROPOSED MAJOR AMENDMENT

AMENDMENT No. 1162/41

AS ADVERTISED

3.2277

DETAIL PLANS

- | | |
|--------|--|
| 1.7023 | CLAREMONT - PARKS AND RECREATION (Restricted), URBAN AND
PARKS AND RECREATION |
| 1.7024 | CLAREMONT – URBAN |

Appendix 2

List of detail plans as modified

CLAREMONT NORTH EAST PRECINCT

PROPOSED MAJOR AMENDMENT

AMENDMENT No. 1162/41

AS MODIFIED

3.2277/1

DETAIL PLANS

1.7023/1 CLAREMONT - PARKS AND RECREATION (Restricted), URBAN AND
PARKS AND RECREATION

1.7024/1 CLAREMONT – URBAN



Signed for and on behalf of the
Western Australian Planning Commission

S.J. Rolley

An officer duly authorised by the Commission
pursuant to section 24 of the
Planning and Development Act 2005
for that purpose in the presence of:

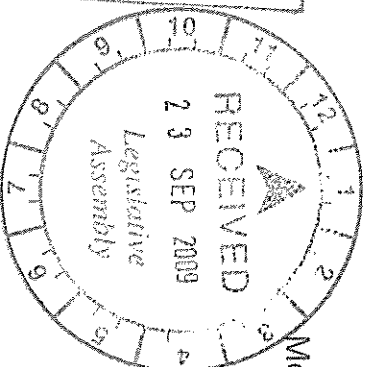
Witness *[Signature]*
Date **1 AUG 2009**

Approved *[Signature]*
Governor

Date **8 SEP 2009**



WESTERN AUSTRALIA
Laid on the Table of the
Legislative Assembly
23 SEP 2009
This paper is
removed from the Order



- Excluded from parks and recreation (restricted public access), railways, parks & recreation and other regional roads reservations and included in urban zone.
- Excluded from other regional roads reservation and included in parks and recreation reservation.
- Excluded from other regional roads reservation and included in parks and recreation (restricted public access) reservation.

Metropolitan Region Scheme
Amendment No 1162/41
Map number 15/75m
As Modified

<p>3.2277/1.amr 23 Jul 2009 Produced by Mapping & Geospatial Data Branch, Department of Planning On behalf of the Western Australian Planning Commission, Perth WA Data administration supplied by Western Australian Land Information Authority. Q1249-60012</p> <p>GDA</p>	<p>Project manager: <u>A. Muscara</u></p> <p>Draftsperson: <u>T. Lynch</u></p> <p>Examined: _____</p> <p>Revised: _____</p> <p>Date: <u>MRPPC/262 14 July 2009</u></p>	<p>Scale 1:25000</p>	<p>2562</p>	<p>Plan number 3.2277/1</p>	<p>File number: <u>809/2/2/2</u></p> <p>Plan reference: Perth 1:2000 sheets 08.21, 09.22, 09.21, 09.22 Metropolitan Region Scheme 1:25000 sheet 15 Detail Plans: 1.7023/1, 1.7024/1</p>
	<p>Western Australian Planning Commission</p>	<p>Scale 1:25000</p>	<p>2562</p>	<p>Plan number 3.2277/1</p>	<p>Supersedes Plan 3.2277</p>