



NOTICE OF MEETING

PLANNING COMMITTEE

Members of the Planning Committee are advised that a meeting of the Committee will be held in Council Chambers, Civic Building, 83 Mandurah Terrace, Mandurah on:

**Tuesday 4 April 2017
at 5.30pm**

MARK R NEWMAN
Chief Executive Officer
29 March 2017

Committee Members:

Councillor Peter Rogers (Chairman)
Councillor Jackson
Councillor Tahlia Jones
Councillor Knight
Hon Councillor Riebeling
Councillor Lynn Rodgers
Councillor Wortley.

Deputies:

Councillor Field (1st Deputy Member)
Councillor Lee (2nd Deputy Member)

NOTE: Should an Elected Member wish to view any location listed on this Agenda, officers will be available in the Councillor's Lounge at 9.00 am on Tuesday 4 April 2017.

AGENDA

1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

2 ATTENDANCE AND APOLOGIES

3 IMPORTANT NOTE:

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

4 ANSWERS TO QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please telephone 9550 3706 or visit the City's website www.mandurah.wa.gov.au.

6 PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN**7 DEPUTATIONS**

Any person or group wishing to make a 5-minute Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please telephone 9550 3706 or visit the City's website www.mandurah.wa.gov.au.

NB: Persons making a deputation to this Committee meeting will not be permitted to make a further deputation on the same matter at the successive Council meeting, unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

8 CONFIRMATION OF MINUTES: 17 JANUARY 2017

(NB: It is the Elected Members' responsibility to bring copies of the previous Minutes to the meeting if required).

9 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**10 QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION**

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

11 BUSINESS LEFT OVER FROM PREVIOUS MEETING

12 REPORTS:

1	Local Planning Policy No. 2 – Signage	1 - 15
2	Trading Permits – Preparation of Guidelines for Assessment: Council Endorsement of Proposed Actions.	16 - 25
3	Sutton Farm Local Development Plan – Lot 506 Apollo Place, Halls Head – Adopt for Advertising.	26 - 49

13 LATE AND URGENT BUSINESS ITEMS**14 CONFIDENTIAL ITEMS****15 CLOSE OF MEETING**

1.	SUBJECT:	Local Planning Policy No 2 –Signage
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Ann Harrop
	FILE NO:	N/A

Summary

Council is requested to consider adopting for the purposes of advertising a new and revised Local Planning Policy No. 2 - Signage.

The objectives of the draft Signage policy are to:

- a) Ensure that advertisements are appropriately sized and sited for their location;
- b) Require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;
- c) Discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and
- d) Provide guidelines for consistent decision making for advertisements on zoned land within Mandurah.

The policy seeks to exempt the majority of signage from the need to obtain development approval where prescribed minimum requirements are met in an effort to minimise regulation for business owners.

Where signage is proposed that exceeds these requirements, or where inflatable, third party, freestanding or roof signs are proposed, development approval will still be required.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.18/2/16 9 February 2017 Council adopted the draft *Local Government Property and Public Places Local Law 2016* for advertising;
- G.37/6/09 16 June 2009 Local Planning Policy Manual Review – Adoption to advertise

Background

In June 2009, Council considered a suite of policies prepared as a review of the Local Planning Policy manual including Draft Local Planning Policy No. 7: Advertising Devices.

The draft policy dealt with a range of signs and advertising devices, including signage on public land and election signage. Council adopted the policies for the purposes of advertising with the policies subsequently being advertised for public comment.

Whilst a number of the policies were adopted for final approval in September 2009, the draft Advertising Devices policy was put on hold to enable a more comprehensive review of signage and advertising within the City of Mandurah to occur, including consideration of how signage is addressed through the City of Mandurah's Local Laws.

The need for a wider review was identified following the release of Report 28 of the Parliamentary Joint Standing Committee that examines local government legislation and Local Laws which made a determinate that a policy cannot be linked to a Local Law, and therefore an offence cannot be made against a policy, but only against a Local Law.

This raised the question of the validity in terms of the existing Local Laws referring to, and relying on Local Planning Policy to determine what acceptable or permitted signage is, what is exempt from approval, and what is deemed unacceptable or not permitted signage. Similarly, concern was raised whether Town Planning Scheme No. 3 and its enabling legislation the Planning and Development Act 2005, could adequately control advertising devices within road reserves or other areas without a 'zone' or 'reserve' classification as depicted on Scheme Maps.

The review of signage and advertising within the City of Mandurah resulted in the need to update the existing regulatory framework to:

- a) Incorporate provisions relating the advertising and signage on public land into the City of Mandurah's Local Laws; and
- b) Review Town Planning Scheme No. 3 and Local Planning Policy No. 9: Advertising Devices to refer only to signage and advertising devices on private land.

During this time, the Planning and Development (Local Planning Scheme) Regulations 2015 were also introduced which provided the ability for Local Planning Policies to exempt certain forms of development from the need to obtain development approval, including the erection or installation of a sign.

In addition the Regulations exempt the temporary erection or installation of advertisements associated with an election, referendum or other poll from the need to obtain development approval.

In February 2016 Council considered the proposed Local Government Property and Public Places Local Laws for the purposes of advertising for public comment which incorporates provisions for the control of advertisements within public land and removes all reference to Local Planning Policies.

Draft Local Planning Policy No. 2: Signage has been prepared to replace Local Planning Policy No. 9: Advertising Devices and provides for the control of signage on private land only.

Comment

The proposed Local Planning Policy seeks to exempt the majority of forms of signage from the need to obtain development approval in accordance with clause 61(1)(h) of the Deemed Provisions in an effort to reduce regulation. Individual tenancies will be able to have up to three forms of signage including Awning Signs, Projecting Signs, Portable Signs, Window Signs, Wall Signs and Under Verandah signs, without obtaining a development approval subject to:

- a) The signs meeting the minimum requirements and maximum size restrictions as specified within the policy;
- b) The signage being integrated with the architectural design of the building and not obscuring architectural features;
- c) The signage not including any illumination, ratio animation or movement, reflective, retro-reflective or fluorescent materials in its design or structure unless otherwise permitted within the policy.
- d) Approval having been obtained from Main Roads WA where the proposed sign is visible or adjacent to a road that is under the care and control of Main Roads WA.

Home Occupation signs and construction and property sale or lease signs will also be exempt in accordance with the above requirements.

Signs which vary the requirements as set out in the policy and inflatable, third party, freestanding or roof signs will still require prior development approval and will only be considered where the following can be demonstrated:

- a) The scale and design of the proposed signage is compatible with the character of the locality and the general land use of the area.

- b) The scale and design of the proposed signage is in keeping with the scale and design of the building and does not obscure architectural features.
- c) The proposed signage does not block views, does not interfere with the safe movement of pedestrian traffic, or affect the amenity of adjoining properties.
- d) The proposed signage represents a cohesive and attractive visual statement.
- e) The investigation and/or use of all alternative forms of advertising to adequately advertise the business have been exhausted or is considered to be ineffective due to the position of the building on-site, the topography of the site and surround land, or circumstances beyond the control of the

In addition to reducing the requirements to obtain development approval for various forms of signage, the policy also seeks to strengthen the ability to ensure compliance with the standards set by the City of Mandurah.

The Planning and Development Act 2005 introduced the ability to issue Planning Infringement Notices carrying an initial penalty of \$500 for offences under the Act as a mechanism for reducing the time and costs associated with commencing legal action through the Court system.

The draft policy sets out a compliance procedure, whereby notice may be given in writing to a person responsible for a non-compliant sign requiring its removal within 7 days. Failure to remove the sign within this time period will result in the issuing of a Planning Infringement Notice. Repeat offenders will result in the immediate issue of a planning infringement notice.

The use of Planning Infringement Notices as opposed to commencing legal action through the courts will result in substantial time and cost savings for the City. Options are still available to the offender to challenge the infringement notice or request the matter be considered through the courts.

Should the proposed policy be adopted by Council, an awareness campaign detailing changes to the signage policy and complaint handling procedures, similar to that which was undertaken for Holiday Homes, is proposed to be undertaken.

Consultation

Clause 4 of the Deemed Provisions for Local Planning Schemes details the procedures for making a local planning policy. Under this clause a local government must advertise a proposed policy for a period not less than 21 days through the publishing of a notice in a newspaper circulating the Scheme area and by giving notice of the proposed policy in any other way the local government considers appropriate.

In addition to placing a notice in the local papers, notification of the draft policy will be sent to the Peel Chamber of Commerce, local sign writers and commercial property agents seeking comments on the proposal.

Statutory Environment

Local governments may prepare Local Planning Policies under Part 2, Division 2 of the Deemed Provisions for Local Planning Schemes in respect to any matter related to the planning and development of the scheme area. Through a local planning policy, Council has the ability to exempt certain forms of development from the need to obtain development approval including the erection or installation of a sign.

Under the Deemed Provisions for Local Planning Schemes, the draft policy is required to be advertised for a period of not less than 21 days prior to being brought back before Council for final approval.

Policy Implications

The preparation of a revised advertising policy is one component of a more comprehensive review of the City's planning framework. The proposed revisions will refine and update the existing policy framework in line with the current regulations and proposed Town Planning Scheme No. 12. as well as reduce the overall complexity of the framework.

Economic Implications

The draft policy seeks to reduce the number of circumstances where development approval will be required for signage which would result in less revenue being received in the form of planning fees. However, the overall benefits in reducing red tape and increasing efficiencies for business is offset by this reduction in revenue.

In 2016 the City received 24 development applications for signage and in 2015, 35 applications for signs were received. The majority of these development applications attract a minimum planning fee of \$147 as currently prescribed under the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges).

Strategic Implications

The following strategy from the *City of Mandurah Strategic Community Plan 2013 – 2033* is relevant to this report:

Identity:

- Encourage active community participation and engagement.

Conclusion

Draft Local Planning Policy No. 2: Signage seeks to update current policy and reduce the need for development approval where signage meets the minimum requirements as outlined in the policy.

The policy does not apply signage on public land, which is covered under Council's Local Laws, nor election signage which is exempt from the need to obtain development approval under the Planning and Development (Local Planning Schemes) Regulations 2015.

It is recommended that Council adopt the draft policy for the purposes of publicly advertising the proposal.

NOTE:

- Refer **Attachment 1** **Draft Local Planning Policy: Signage**

RECOMMENDATION

That in accordance with Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council resolves to adopt for the purposes of advertising draft Local Planning Policy No. 2: Signage dated April 2017.



City of Mandurah Local Planning Policy

LPP2 Signage Policy

**Draft for Council Adoption to Advertise
April 2017**

Record of Adoption

Stage	Document Version & Date	Approval Date
Draft for Internal Review	Version 1 March 2017	
Draft for Council Adoption	Version 2 April 2017	

Schedule of Modifications

No	Summary of the Modification	Document Version & Date	Approval Date

Background

This policy replaces LPP7 dated March 2010. The policy seeks to exempt many forms of advertising from the need to obtain development approval where prescribed minimum requirements are met. This policy does not apply to signage on public land which is covered by the City of Mandurah Local Government Property and Public Places Local Law Local Laws.

Contents

1. Introduction	4
1.1 Policy Objectives	4
1.2 Background	4
1.3 Application of the Policy	4

2. Exempt Development	5
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3. Signage requiring Development Approval	9
3.1 Signage Types	9
3.2 Assessment Criteria	9
3.3 Specific Signage Requirements	10

4. Enforcement	11
4.1 Planning Infringement Notices	11
4.2 Enforcement Procedure	11

1. Introduction

1.1 Policy Objectives

The objectives of this Local Planning Policy are to:

- (a) Ensure that advertisements are appropriately sized and sited for their location;
- (b) Require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;
- (c) Discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and
- (d) Provide guidelines for consistent decision making for advertisements on zoned land within Mandurah.

1.2 Background

Local Planning Policy No. 2 Signage replaces Local Planning Policy 9 - Advertising Devices in accordance with Schedule 2, Part 2, Clause 6(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the Deemed Provisions for Local Planning Schemes (as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).
- (b) Clauses 61(1)(i), 61(1)(h) and 61(2)(e) of the Deemed Provisions for Local Planning Schemes outline that Development Approval is not required for development works or the use of land where specified in a Local Planning Policy.

This Local Planning does specify forms of development that do not require development approval.

- (c) Clause 3(5) and Clause 67(g) of the Deemed Provisions for Local Planning Schemes state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.

2. Exempt Development

Pursuant to clause 61(1)(h) of the Deemed Provisions, signage is exempt from the need to obtain development approval in the following circumstances:

- (a) The requirements of Table 1 are met;
- (b) The proposal does not result in more than 3 forms of signage per street frontage per tenancy;
- (c) The signage is integrated with the architectural design of the building and does not obscure architectural features;
- (d) The proposal does not include any advertisement which contains any illumination, radio animation or movement, reflective, retro-reflective or fluorescent materials in its design or structure unless otherwise permitted within Table 1; and
- (e) Approval has been obtained from Main Roads WA where the proposed sign location is within 100m of a traffic signal controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA.

Note: *Advertisements in connection with an election, referendum or other poll conducted under the Commonwealth Electoral Act 1918, the Electoral Act 1907 or the Local Government Act 1995 are exempt from the need to obtain development approval under the Schedule 2, part 7, Cl 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Table 1 Exempt Signage

Type of Sign	Zone	Criteria to be satisfied
Awning Sign	All zones except Residential	<ul style="list-style-type: none">• Maximum of one sign per street frontage per tenancy;• Maximum area of 0.4m² per 1 m of street frontage up to a maximum of 10m²;• Maximum height of 600mm;• Does not extend past awning;• Located on ground floor only;• Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below;
Home Occupation Sign	All zones	<ul style="list-style-type: none">• Maximum of one sign per property;• Maximum area of 0.2m²;
Projecting Sign	All zones except Residential	<ul style="list-style-type: none">• Maximum of one sign per street frontage of tenancy;• Maximum size of 4m²;• May be internally illuminated in a manner that does not flash or pulsate;• Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below;
Portable Sign	All zones except Mandurah Strategic Activity Centre (City Centre Core) and Residential	<ul style="list-style-type: none">• Maximum one sign per tenancy;• Does not exceed 1.2m above the finished ground level;• Does not contain more than two sign faces;• Has no moving parts once the sign is in place;• Contains sign writing that is of a professional standard and quality and is appropriately maintained;• Is positioned wholly on the subject property and not within a road reserve;• Does not interfere with visibility and the safe movement of pedestrian and vehicular traffic;

Type of Sign	Zone	Criteria to be satisfied
Window Sign	All zones except Residential	<ul style="list-style-type: none"> • Permitted only on ground and first floor windows of a building; • Total area of sign must not cover more than one quarter (25%) of the total glazed surface area of each level of the building along each elevation; • Remaining 75% of the glazed surface to be visually permeable;
Wall Signs	All zones except Residential	<ul style="list-style-type: none"> • Maximum of one wall sign per building; • Sign is attached or directly painted on the external wall of the building; • The height of the sign does not exceed 1.2 metres and the length does not exceed two thirds of the length of the frontage of the building or tenancy, whichever is less; • The sign does not protrude past the limits of the façade or fascia of a building or tenancy portion;
Under Verandah Sign	All zones except Residential	<ul style="list-style-type: none"> • Maximum one sign per street frontage per tenancy; • Maintains a minimum clearance of 2.75m between the underside of the sign and the footpath below; • Does not extend past the verandah or awning; • May be internally illuminated in a manner that does not flash or pulsate.

Type of Sign	Zone	Criteria to be satisfied															
Construction, Development and Property for Sale or Lease Signs	All Zones	<ul style="list-style-type: none"> Maximum one sign per street frontage. Displayed only during the period that building construction works are being undertaken, or the period in which the property is available for sale. To be removed within 7 days of the completion of construction, or the sale, lease or rental agreement of the property. Sign to be wholly located within the property boundary. Maximum dimensions: <table> <tr> <th>Type of development</th><th>Maximum Area</th><th>Maximum Height</th></tr> <tr> <td>Single or grouped dwellings</td><td>2m²</td><td>1.5m</td></tr> <tr> <td>Multiple dwellings and mixed use development</td><td>5m²</td><td>3m</td></tr> <tr> <td>Non-residential property less than 1 ha</td><td>5m²</td><td>3m</td></tr> <tr> <td>Non-residential properties and residential estates greater than 1 ha.</td><td>10m²</td><td>6m</td></tr> </table> 	Type of development	Maximum Area	Maximum Height	Single or grouped dwellings	2m ²	1.5m	Multiple dwellings and mixed use development	5m ²	3m	Non-residential property less than 1 ha	5m ²	3m	Non-residential properties and residential estates greater than 1 ha.	10m ²	6m
Type of development	Maximum Area	Maximum Height															
Single or grouped dwellings	2m ²	1.5m															
Multiple dwellings and mixed use development	5m ²	3m															
Non-residential property less than 1 ha	5m ²	3m															
Non-residential properties and residential estates greater than 1 ha.	10m ²	6m															

3. Signage requiring Development Approval

3.1 Signage Types

Development approval is required for the following forms of signage:

- (a) Signage that varies the requirements as set out in Part 2 and Table 1;
- (b) Roof Signs
- (c) Permanent Free Standing Signs
- (d) Third Party Signs
- (e) Inflatable Signs
- (f) Any other form of signage not listed.

3.2 Assessment Criteria

Variation to the requirements outlined in Part 2 and Table 1, or the approval of the above signs will generally not be supported unless each of the following can be demonstrated:

- (a) The scale and design of the proposed signage is compatible with the character of the locality and the general land use of the area.
- (b) The scale and design of the proposed signage is in keeping with the scale and design of the building and does not obscure architectural features.
- (c) The proposed signage does not block views, does not interfere with the safe movement of pedestrian traffic, or affect the amenity of adjoining properties.
- (d) The proposed signage represents a cohesive and attractive visual statement.
- (e) The investigation and/or use of all alternative forms of advertising to adequately advertise the business have been exhausted or is considered to be ineffective due to the position of the building on-site, the topography of the site and surround land, or circumstances beyond the control of the applicant.
- (f) No more than one pylon sign, roof sign or inflatable sign may be considered per lot.

3.3 Specific Signage Requirements

3.3.1 Inflatable Signs

Further to Part 2, where approval of an inflatable sign is to be considered the following requirements apply:

- (a) An inflatable sign shall only be erected for a maximum period of 28 days at a time and may only be erected on a property three times in each calendar year. A minimum period of 28 days must elapse between displays of an inflatable sign.
- (b) The inflatable sign shall be covered by general public liability insurance to a minimum of \$10 million by the property or business owner and a copy of this cover is to be submitted with the application together with confirmation that the cover does extend to the sign;
- (c) Approval must be sought from Main Roads WA where the proposed sign location is near a traffic signal controlled intersection or when it is visible from, or adjacent to, a road that is under the care and control of Main Roads WA;
- (d) The applicant is to provide in writing a minimum of 14 days notice, the period during which an approved inflatable sign is to be erected.
- (e) The sign shall not be internally or externally illuminated; and
- (f) Written certification from a professional engineer confirming the method of installation and confirming the placement of the sign will not compromise the structural integrity of the building to which it is to be attached shall be submitted with the application for the sign.

3.3.2 Pylon/Monolith Signs

Further to Part 2, where approval of a pylon/monolith sign is to be considered the following requirements apply:

- (a) The proposed sign shall have no part more than 6.0m above the natural ground level immediately below the sign.
- (b) The proposed sign shall have a maximum width of 2.5metres, measured horizontally across the extremities of the sign structure.
- (c) The proposed sign shall have a sign face area of no greater than 6 square metres.
- (d) A maximum of one sign per property will be permitted irrespective of the number of tenancies.
- (e) Consistency with approved Structure Plan or Activity Centre plan requirements if applicable.

Note: *It is recognised that freestanding signs exist within the City of Mandurah that are in excess of the above requirements. These signs were approved under a previous policy that provided for large signs at major centres.*

Rebadging or replacement of oversized freestanding signs may be considered where incorporated into a major shopping centre within Strategic or District Centres.

4. Enforcement

4.1 Planning Infringement Notices

Under Part 13, Division 3 of the Planning and Development Act 2005 an infringement notice may be issued for offences against a Local Planning Scheme.

This includes unauthorised advertising or erection of signage without an approval in accordance with this policy.

Planning Infringement Notices carry an initial penalty of \$500.

4.2 Enforcement Procedure

Where a sign is erected or installed contrary to the requirements of this policy, notice may be given in writing requiring the offender to remove the sign within 7 days.

Failure to remove the sign will result in the issuing of a planning infringement notice under the Planning and Development Act 2005.

Repeat offences will result in the immediate issue of a planning infringement notice.

2.	SUBJECT:	Trading Permits – Preparation of Guidelines for Assessment: Council Endorsement of Proposed Actions
	CONTACT OFFICER/S:	Ben Dreckow
	AUTHOR:	Ben Dreckow
	FILE NO:	TBC

Summary

With the draft *City of Mandurah Local Government Property and Public Places Local Law 2016* nearing completion opportunities to review the current policy and procedures relating to activities being undertaken on public land as various types of operators emerge and the general community seeking to engage with public spaces in a different manner than has traditionally been the case.

The existing policy framework for trading in public places states that all trading activities (including food vendors) are not permitted to trade from the Eastern Foreshore, and itinerant (mobile) food vendors are not permitted to trading the City Centre and Mandurah Ocean Marina due to safety concerns. This policy position has been in place since at least 2001 and its form and function has generally to provide a framework for mobile food vendors (such as ice-cream and take-away food vans that drive around).

Since this time, significant changes have been observed with elements such as food trucks, pop up activities and specifically in Mandurah utilising the great public spaces such as the eastern and western foreshores to undertake activities. In recent times, specific requests to grant approvals such as boat tour operators, water based operations (such as 'Jet X-Treme'), tourist trains and 'Segway' tours have utilised a range of approval process such as trading permits and non-exclusive jetty licences and have been determined by Council upon receipt of a request from an operator.

In addition, Council has historically designated a number of 'Recreation Commercial Hire Sites' for aquatic activities to take place in designated locations which does not include some of the key locations that generate significant interest from operators. For the approved locations, operators are required to enter into a licence agreement with the City which is separate to the above mentioned approval processes. In reviewing the function and operations of trading permit approach, opportunities arise to review and avoid duplication of similar approval processes.

Arising from the above, it is recommended that Council endorse a number of key actions arising from the existing policy and approval process such that new guidelines are prepared for the assessment and approval of Trading Permits to replace the existing Trading in Public Places policy that cover the following key outcomes:

- (a) Integrate the Commercial Recreation Hire Sites approval processes and policy provisions within the approval requirements with the Trading permits;
- (b) Identify a hierarchy of trading operations and apply guidelines, fee structure and delegation arrangements to this hierarchy;
- (c) Remove restrictions for all trading on the Eastern Foreshore, but include a plan (or plans) where activities may be appropriate and assist in coordinating multiple operators to provide a balanced outcome for the use of the foreshores, and in the event that significant interest in generated, introduce an annual 'Expression of Interest' process such all proposals can be considered collectively;
- (d) Continue with existing restrictions for mobile food operators on Eastern Foreshore, and public spaces within the Mandurah City Centre and Mandurah Ocean Marina but specify that such operators may be able to operate on privately owned land with the consent of the landowner.

Should Council endorse these actions, further detailed guidelines will be prepared accordingly and operate in conjunction with the pending *City of Mandurah Local Government Property and Public Places Local Law 2016*.

Disclosure of Interest

Nil

Previous Relevant Documentation

- G.35/9/16 27 September 2017 Council resolved not to support Personal Water Craft (PWC Jetski's') tours from the Eastern Foreshore and requested consideration of a report to consider licensing opportunities on the Eastern and Western Foreshores.
- G.18/2/16 9 February 2017 Council adopted the draft *Local Government Property and Public Places Local Law 2016* for advertising;
- G.41/8/09 18 August 2009 Council acknowledged existing Recreation Hire Sites and approved new locations with recommended uses to include 24 water based sites in total;

Background

With the draft *City of Mandurah Local Government Property and Public Places Local Law 2016* nearing completion opportunities to review the current policy and procedures relating to activities being undertaken on public land as various types of operators emerge and the general community seeking to engage with public spaces in a different manner than has traditionally been the case.

The existing policy framework for trading in public places states that all trading activities (including food vendors) are not permitted to trade from the Eastern Foreshore, and itinerant (mobile) food vendors are not permitted to trading the City Centre and Mandurah Ocean Marina due to "safety concerns". This policy position has been in place since at least 2001 and its form and function has generally to provide a framework for mobile food vendors (such as ice-cream and take-away food vans that drive around).

The draft Local Law as adopted sought to continue with these restrictions by include the restricted areas within a specific schedule, albeit with a requirement that the areas are restricted except "*with the express written approval of the local government.*"

In progressing the draft Local Law to the next stages of approval, it is proposed to remove provisions where all traders are prohibited from the Eastern Foreshore, and Mobile Food Vendors are prohibited from the Mandurah City Centre and Mandurah Ocean Marina. Council will need to formally adopt this modification to the draft Local Law when it is considered for final adoption following review by the Department of Local Government.

This proposed change is significant, as the general public and community expectations for the use and expectations for public spaces are in a period of change and in some degree maturity.

Since this time, significant changes have been observed with elements such as food trucks, pop up activities and specifically in Mandurah utilising the great public spaces such as the eastern and western foreshores to undertake activities.

Further the use of public spaces transitioning from a time of no formal activities being permitted to one where they may be appropriate is one where the local government role, or as experienced in locations such as Elizabeth Quay, Perth Cultural Centre and the like into a 'place-making' facilitation role. Allowing activities and allowing activation of public spaces is just one piece of this role.

In recent times, specific requests to grant approvals such as boat tour operators, water based operations (such as 'Jet X-Treme'), tourist trains and 'Segway' tours have utilised a range of approval process such as trading permits and non-exclusive jetty licences and have been determined by Council upon receipt of a request from an operator.

At the present time, approximately 10 Trading Permits are in operation and they include some of the activities listed, in addition to a number of mobile food and coffee vans, some of which use a specific location and others that drive around and can operate on most roads (except the major roads which are restricted in the current Policy).

In addition, Council has a number of 'Recreation Commercial Hire Sites' for aquatic activities to take place in designated locations.

For the approved locations, operators are required to enter into a licence agreement with the City which is separate to the above mentioned approval processes. The current operative Recreation Hire Sites include the following:

Trading Name	Location	Purpose
Mandurah Stand Up Paddle Pty Ltd	Keith Holmes Reserve	Standup Paddle Board Hire
Stag Water Sports	Dawesville	Jet Ski Hire
Stag Water Sports	Southern Side of Mandurah Traffic Bridge	Jet Ski Hire
Just 4 Fun Aqua Park	Western Foreshore	Aquatic Inflatable hire
Adventure Kiting WA	Novara Foreshore	Kite Surfing Lessons
Mandurah Surf Lessons	Pyramids Beach	Surfing Lessons

Generally, only one activity has been permitted by Recreation Hire Site allocated with 24 sites having been designated during the last review of sites by Council in 2009. In reviewing the function and operations of trading permit approach, opportunities arise to review and avoid duplication of similar approval processes.

Notwithstanding the above, a number of operators have exclusive leases for water space or buildings.

Larger operations that require lengthy tenure such as Bouvard Cruises, Mandurah Ferry Cruises and Mandurah Dolphin Cruises have Non-Exclusive Jetty License and these operators are not proposed to be included in modified guidelines. Further other activities within Mandurah Ocean Marina such as Mandurah Houseboats and Mandurah Boat Sales with Exclusive Land, Jetty and Seabed leases will continue under current arrangements.

Comment

It is proposed to combine the two separate approval process for Trading in Public Places Permits and Recreation Hire Sites into a revised 'Trading Permit's' process covered by the Trading in Public Places and Local Government Property provisions of the pending *City of Mandurah Local Government Property and Public Places Local Law*.

Further, it is recommended that casual or infrequent use of jetties and waterways structure also operate under a Trading Permit by removing the requirement for an operator to enter into a non-exclusive jetty license.

As a result, a hierarchy of Trading Permits is proposed as follows:

- (a) Commercial and Aquatic Operators (Eastern Foreshore, Western Foreshore, Mandjar Bay);
- (b) Commercial and Aquatic Operators
(Outside of Eastern Foreshore, Western Foreshore, Mandjar Bay);
- (c) Food Operators (Specific Location);
- (d) Mobile Food Operators (No Specific Location);

Each of these initiatives seek to simplify the various approvals required and streamline requirements for operators and allows for specific guidelines to be prepared to assist proponents and City assessment of proposals, allocate a fee structure based on the range of activities and in the shorter term, realign delegation arrangements for the issuing of such Permits.

It is proposed that the Food Operators to be split into two categories to differentiate between those operators that seek to trade from a specific location and those that are mobile for the purposes of assessment and fee structure.

To assist in the City's maintenance and management of reserves and open spaces, the City's Reserve Booking System will also register the locations within an approval as this approach will also assist operators gain an understanding of similar or competing operators locating in a similar location. A key change to the current approach, particularly with Recreation Hire Sites and the use various licence arrangements is that more than one of the similar operator may be able to locate in the same location and that the City does not involve itself in anti-competitive arrangements, remove exclusivity over spaces and the 'first-come, first-served' approach should this arise. An example is a recent proposal to consider jet-ski tour operators from the Eastern Foreshore jetty from one operator, when a long standing operative business had been advised for many years that such a proposal would not be entertained.

A key change to existing operations is a proposal to remove restrictions for Trading Permits over the Eastern Foreshore.

In recent times, specific requests to grant approvals such as boat tour operators, water based operations (such as 'Jet X-Treme'), tourist trains and 'Segway' tours have utilised a range of approval process such as trading permits and non-exclusive jetty licences and have been determined by Council upon receipt of a request from an operator.

Potential tourism and aquatic operators have been in contact with the City in recent months to further broaden the range of activities available that are not conducive to a traditional permanent commercial premises and rely particularly on the water based activities, which rightly are adjoined by public reserves.

Guidelines will be required to carefully manage outcomes to provide a balanced outcome of providing activation and activity versus the general passive nature of the Eastern Foreshore. In order to aid in the management of this space and the Western Foreshore and Mandjar Bay, the following are proposed to be included in the guidelines:

- The inclusion of a plan that outlines approved specific sites for Commercial and Aquatic Activities as follows:
 - (a) Eastern Foreshore – no more than four locations (inclusive of land and water);
 - (b) Western Foreshore – no more than four locations (inclusive of land and water);
 - (c) Mandjar Bay – no more than three locations (inclusive of current non-exclusive leased activities).

- Highlighting that more than one operator may be located within any of these locations, which may include operators with similar activities and ensure that the permit approval system is not anti-competitive; and
- The inclusion of provisions that provide for annual 'Expression of Interest' process for these locations and that Council will consider all proposals collectively and annually should there be significant interest from operators to use these locations prior to the peak summer period.

This will allow for Council to consider all proposals within locations that are not delegated to officers, at the same time and allow time prior to the commencement of operations in the peak summer period to be assessed and determined ahead of the operating period.

Any additional or detailed master planning exercises for the Eastern and Western Foreshores should account for commercial aquatic activities and regular events and that should these plans progress, that the guidelines for trading permits be modified and updated accordingly.

Whilst the final permit or approval process is somewhat simplified at the back-end, each proposal will have its own unique and particular requirements such as transport, navigation and water approval requirements, noise, infrastructure issues, set up/set down procedures and storage. Internal operative procedures may be required to assist in determining the roles of various teams and sections of the City regarding their input into the assessment of proposals as they will be varied based on the proposal.

However, a number of other actions and initiatives can be undertaken to streamline approvals processes as follows:

- Current jetty licence requirements are granted to the City by the Department of Transport which then requires a sub-licence to be provided for each operator under a 'non-exclusive' licence.

Should an operator primarily be seeking to operate from a jetty for a drop-off/pick-up point and can operate within the Jetties, Waterways and Marina Local Law 2010 (such as timing of moorings) then the separate jetty licence can be negated.

As a result, it is recommended that Council seek approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued as the sole approval for activities that utilise jetties.

- Under the Peel Region Scheme, advice has been provided by the Department of Planning in respect to a recent proposal for an activity on a foreshore reserve that development approval is required for the 'use' of land.

In order to simplify approval requirements, it is recommended that Council request that the Western Australian Planning Commission include an exemption from the need for development approval of reserved land under the Peel Region Scheme where a permit or licence has been issued under a local government local law.

As per current practice, Trading Permits will not be able operate during designated City events and any approvals will identify such requirements. They will be able to be part of the event as per standard practice for stallholders and operators within the events.

Mobile Food Operators

As highlighted, the existing approval and policy requirements were established at a time when generally operators were limited to ice cream, take-away food and coffee vans being mobile and travelling along local roads.

In recent times, the 'food truck' movement has gained momentum and rather than being 'mobile' utilise a specific site, or set up as a collective for a particular occasion or non-City organised event.

With the exception of a differing fee structure for ice cream vans in the Schedule of Fees and Charges, it is proposed to split these two categories for the purpose of preparing guidelines for operators and the fee schedule for all users.

Further, the existing Trading in Public Places policy states that mobile food vendors are not permitted in the City Centre or the Mandurah Ocean Marina for safety concerns. It is acknowledged that these locations should continue to have restrictions to provide for existing 'bricks and mortar' premises to not be unfairly penalised, there may be circumstances where the use of privately owned land may be appropriate for food vans or 'pop-up' operators to assist in activation initiatives.

In order to provide clarity in approach and support (or otherwise) for such operators, the following actions are proposed in the preparation in guidelines for Trading Permits with respect to Food Operators:

- restrictions continue on public land in and around the Eastern Foreshore, Mandurah City Centre and Mandurah Ocean Marina due to existing businesses operating in the location;
- highlighting that Mobile Food Operators may be permitted to operate on privately owned land with the consent on the landowner; and
- Semi-permanent 'pop-up' food operators may be permitted on privately owned land with the consent of the landowner and subject to all relevant development and health related being satisfied.
- In order to address the development approval matters, modifications may be required to the City Centre Precinct Plan. At the present time, all Precinct Plans are being reviewed and combined into one Mandurah Central Area Activity Centre Plan and provisions should be included to encourage short term usage of vacant or under-utilised sites rather than focus on the ultimate development opportunities and restrictions that are generally provided for in such plans.

Current restrictions regarding the types of roads that are restricted should continue due to safety concerns, however with some clarification and update on the road names specified such as:

- All road reserves which are under the control of Main Roads WA (Mandurah Road, Old Coast Road, Mandjoogoordap Drive and Pinjarra Road east of Mandurah Road)
- Major roads under the control of the City of Mandurah (which includes Peel/Allnutt Street, Mandurah Terrace (south of Anstruther Road), Anstruther Road, Pinjarra Road (west of Mandurah Road), Murdoch Drive, Gordon Road and Leslie Street.

Consultation

The preparation and finalisation of any guidelines will include and involve existing operators utilising the existing Recreation Hire Site approval and those with Trading in Public Places licences. Reference has been made to other similar local government policy requirements in preparing this report, however further dialogue may be required.

Once finalised, the finalised guidelines will be circulated to Elected Members. If required, Council can 'call-in' the final guidelines for review and formal endorsement.

Statutory Environment

Part XII of the City of Mandurah's Consolidated Local Laws covers Trading in Public Places licences and the support for a policy to guide the assessment of applications.

These provisions with simplification as outlined above, are proposed to be covered by Part 10 of the *City of Mandurah Local Government Property and Public Places Local Law*.

Policy Implications

The preparation of Guidelines for the Assessment and Approval of Trading Permits will seek to replace the existing Trading in Public Places Policy (POL-ED02) and integrate the Commercial Recreation Hire Site Approval Requirements, Policy Provisions (POL-RCS01) and procedure guidelines.

The guidelines will also include forms and types of activities that are exempt from the need for a permit as per current policies under the provisions of the *Local Government Property and Public Places Local Law* which provides that Council may by written notice exempt a person or a class or persons from the need to obtain a permit.

The existing Street Activity Policy (POL-RCS-02), which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate.

The above guidelines also contribute to the City Centre Activation Strategy initiatives.

Economic Implications

Unlocking the potential for tourist based aquatic activities and land based activities with appropriate guidance and structure is important to balance community use and commercial gain over public spaces, whilst acknowledging an activation role for these spaces is important.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2013 – 2033* are relevant to this report:

Infrastructure:

- Facilitate the provision of multi-purpose facilities and infrastructure that meets the needs of a growing population.

Organisational Excellence:

- Ensure the City has the capacity and capability to deliver services and facilities that meet community expectations.
- Deliver excellent governance and financial management.

Conclusion

In order to aide in the preparation of new and updated guidelines to support the assessment and approval of trading permits, it is recommended that Council endorse a number of key actions arising from the existing policy and approval process that cover the following key outcomes:

- (a) Integrate the Commercial Recreation Hire Sites approval processes and policy provisions within the approval requirements with the Trading permits;
- (b) Identify a hierarchy of trading operations and apply guidelines, fee structure and delegation arrangements to this hierarchy;
- (c) Remove restrictions for all trading on the Eastern Foreshore, but include a plan (or plans) where activities may be appropriate and assist in coordinating multiple operators to provide a balanced outcome for the use of the foreshores, and in the event that significant interest in generated, introduce an annual 'Expression of Interest' process such all proposals can be considered collectively;

- (d) Continue with existing restrictions for mobile food operators on Eastern Foreshore, and public spaces within the Mandurah City Centre and Mandurah Ocean Marina but specify that such operators may be able to operate on privately owned land with the consent of the landowner.

NOTE:

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

RECOMMENDATION

- 1. Endorse the preparation of Guidelines for the Assessment and Approval of Trading Permits to replace the existing Trading in Public Places Policy (POL-ECD02) that cover the following key outcomes:**

1.1. The following hierarchy of Trading Permits:

- (a) Commercial and Aquatic Operators**
(Eastern Foreshore, Western Foreshore, Mandjar Bay);
- (b) Commercial and Aquatic Operators**
(Outside of Eastern Foreshore, Western Foreshore, Mandjar Bay);
- (c) Food Operators (Specific Location);**
- (d) Mobile Food Operators (No Specific Location);**

And that the above will integrate Commercial Recreation Hire Site Approval Requirements and Policy Provisions (POL-RCS01) as falling under the Trading Permit requirements of the *Local Government Property and Public Places Local Law 2016*;

1.2. Restrictions for all trading activities from the Eastern Foreshore will not be included;

1.3. The inclusion of a plan that outlines approved specific sites for Commercial and Aquatic Activities as follows:

- (a) Eastern Foreshore – no more than four locations (inclusive of land and water);**
- (b) Western Foreshore – no more than four locations (inclusive of land and water);**
- (c) Mandjar Bay – no more than three locations (inclusive of current non-exclusive leased activities)**
- (d) More than one operator may be located within any of these locations, which may include operators with similar activities; and**
- (e) The inclusion of provisions that provide for annual 'Expression of Interest' process for these locations and that Council will consider all proposals collectively and annually should there be significant interest from operators to use these locations prior to the peak summer period.**

1.4. Mobile Food Operators continue to be restricted on the Eastern Foreshore, Mandurah City Centre and Mandurah Ocean Marina due to existing businesses operating in the location however clarification be provided as follows:

- (a) Restrictions will continue on public land;
- (b) Mobile Food Operators may be permitted to operate on privately owned land with the consent on the landowner; and
- (c) Semi-permanent 'pop-up' food operators may be permitted on privately owned land with the consent of the landowner and subject to all relevant development and health related being satisfied.

1.5. All trading activities, including Food Operators be restricted from operating within road reserves which are under the control of Main Roads WA (Mandurah Road, Old Coast Road, Mandjoogoordap Drive and Pinjarra Road east of Mandurah Road) together with the following:

- Peel/Allnutt Street
- Mandurah Terrace (south of Anstruther Road)
- Anstruther Road
- Pinjarra Road (west of Mandurah Road)
- Murdoch Drive
- Gordon Road
- Leslie Street

Due to traffic safety concerns.

1.6. The hierarchy of Trading Permits to differentiate fee structures as follows:

Permit Type	Fee Structure
All Operators – Assessment Fee	\$100
Commercial and Aquatic Operators (Eastern Foreshore, Western Foreshore, Mandjar Bay)	\$800 \$550 Summer Period (1 October – 30 April)
Commercial and Aquatic Operators (Outside City Centre locations)	
Street Markets and Food Operators (Specific Location)	\$2500 annually \$1500 Summer Period \$500 per month \$200 per week \$50 per day
Mobile Food Operators (No Specific Location)	\$800 annually \$160 per month

1.7. The hierarchy of Trading Permits to differentiate the delegation to approve permits as follows:

Permit Type	Delegation
All Operators Seeking Permit for Longer than 12 months	Determined by Council
Commercial, Aquatic Operators and Street Markets (Eastern Foreshore, Western Foreshore, Mandjar Bay)	Determined by Council (See 2.3 above)
Commercial and Aquatic Operators (Outside City Centre locations)	Determined by Officers

Food Operators and Street Markets (Specific Location)	Determined by Officers
Mobile Food Operators (No Specific Location)	Determined by Officers

- 1.8. **Assessment Criteria for applications received will be determined as per Clause 12.3 of the *Local Government Property and Public Places Local Law 2016 – Relevant Considerations in Determining an Application for Granting a Permit*.**
2. **Further master planning and design for future upgrades to the Eastern Foreshore and Western Foreshore should factor in designated locations for trading activities and regular events such as power, water and accessibility issues, and that the guidelines prepared for the assessment of trading permits should be modified to take into account completed master plan(s);**
3. **Seek approval from the Department of Transport to include commercial and aquatic operations within the existing jetty licences located within and surrounding Mandjar Bay in order to allow for Trading Permits to be issued for activities that utilise jetties rather than a non-exclusive jetty licence.**
4. **Request that the Western Australian Planning Commission exempt the need for development approval of reserved land under the Peel Region Scheme where a permit or licence has been issued under a local government local law.**
5. **Notes that the current Street Activity Policy, which covers Busking/Street Performance, Raffles, Street Appeals, Street Markets and associated procedures will continue to operate without modification.**
6. **Support the inclusion of semi-permanent ‘pop-up’ food operators’ provisions being included in the Mandurah Central Area Activity Centre Plan to encourage short term usage of vacant or under-utilised sites.**

3. **SUBJECT:** Sutton's Farm Local Development Plan –
Lot 506 Apollo Place, Halls Head – Adopt for Advertising
- CONTACT OFFICER/S:** Ben Dreckow
- AUTHOR:** Nicola Leishman
- FILE NO:** LDP70

Summary

Council are requested to consider the proposed Local Development Plan (LDP) for Lot 506 Apollo Place, Halls Head. The subject site (commonly referred to as 'Sutton's Farm') contains three historic buildings and is bounded by Apollo Place and Old Coast Road to the east, short stay accommodation units to the north, a canal waterway to the west and vacant residential lots to the south.

Due to a recent Scheme Amendment, the subject site is now zoned 'Special Use' in Town Planning Scheme No. 3 (the Scheme) and in accordance with provisions inserted within Appendix 3 of the Scheme, a Local Development Plan is required to be prepared prior to subdivision or development approval, to address a number of detailed design matters.

Officers have prepared the LDP in consultation with the landowner. If approved, the LDP would provide detailed design guidance and development control provisions for the conservation and adaptive re-use of the heritage buildings on the site and for any proposed residential development/tourist accommodation to the north and south of a proposed central heritage open space precinct.

The LDP incorporates the preservation of the three historic buildings in a landscaped parkland setting which will be privately owned and managed, but will be subject to an agreement regarding public access. The Norfolk Island Pine and Olive trees on the northern side of the homestead building are required to be retained.

It is recommended that Council adopt the proposed Local Development Plan for advertising purposes.

Disclosure of Interest

Nil

Location



Property Details:

Applicant:	RPS Australia East Pty Ltd
Owner:	P.K Lance
Scheme No 3 Zoning:	Special Use
Peel Region Scheme Zoning:	Urban
Lot Size:	1.477ha
Topography:	Flat, Low lying
Land Use:	Vacant lot, Heritage Buildings and Heritage Trees (Norfolk Island Pine and Olive trees)

Previous Relevant Documentation

- G.5/10/16 11 October 2016 Council resolved to adopt Amendment 134 and to forward it to the WAPC for final approval by the Minister for Planning.
- G.32/3/16 22 March 2016 Amendment 134 adopted for advertising by Council.
- G.31/3/16 22 March 2016 Sutton's Farm Local Structure Plan Council recommended approval with modifications.

Background

The Sutton's Farm buildings were included in the Council's Municipal Heritage Inventory in August 1991. The Heritage Council WA listed Sutton's Farm as a permanent entry on the State Register of Heritage Places on 30 May 2000; the Register identifies Sutton's Farm to incorporate the "Farm complex consisting of homestead, single men's quarters, barn, trees and graveyard". The entry also states "the numerous olive trees and the Norfolk pine contribute to the aesthetic and landmark qualities of the landscape". Since the creation of the lot, the site has remained largely unused.

In March 2016, Council recommended support to a Local Structure Plan (LSP) for the subject site, which remains under consideration by the WAPC.

During the assessment of the proposed Structure Plan by the City, it was considered necessary to initiate a Scheme Amendment to re-zone the land from 'Tourist' to 'Special Use' with additional provisions within Appendix 3 (Special Uses) of the Scheme. This Amendment sought to restrict incompatible uses within the heritage precinct (which are permissible under the 'Tourist' zoning) and to provide greater statutory weight to any future Local Development Plan and the development control provisions within it.

Previously an Outline Development Plan under Scheme 3 would have dealt with these matters in a complete and comprehensive manner. Unfortunately, they can no longer perform these functions due to the format of Structure Plans being changed arising from the *Planning and Development (Local Planning Schemes) Regulations*. To address this, in October 2016, Council adopted a Scheme Amendment over the subject site.

The Scheme Amendment has been approved by the Minister subject to final modifications. It is likely that the WAPC will determine that the Local Structure Plan (currently under consideration) is superfluous, given the provisions within Appendix 3 of the Scheme.

As such, any approved LDP will provide the design guidance and development control provisions for the conservation and adaptive re-use of the heritage buildings on the site and for any proposed residential development/tourist accommodation to the north and south of a proposed central heritage open space precinct as per the requirements in Appendix 3 of the Scheme.

Comment

Given the importance of the site in Mandurah's history and the requirements of *State Planning Policy 3.5: Historic Heritage Conservation*, it is considered that design guidance and development controls are required with regard to land uses, built form and hard and soft landscape treatments, to provide for consistency and quality, worthy of a state registered heritage place.

Development provisions, with regard to; setbacks, height, built form, fencing, orientation, materials and retaining wall treatments, separation to the northern boundary, vehicular access, car parking and separation from trees, have therefore been formulated. The provisions will guide the assessment of any subdivision or development application relating to the re-use of the existing heritage buildings for either residential or commercial purposes, including any alterations and/or additions to the fabric of the heritage buildings, and for the construction of any new buildings within the curtilage of the heritage buildings.

Heritage Buildings

The Heritage Council will require an updated Conservation Plan (as a 2004 Conservation Plan already exists) and a Heritage Agreement, between the landowner and the Heritage Council, as a condition of subdivision. This would require the owner and the owner's successors, to undertake specified activities to ensure the long-term conservation, maintenance, and/or interpretation of the place. A schedule of conservation works set out in a Heritage Agreement would be sourced from an updated Conservation Plan. One previously prepared in 2004 will need to be updated to inform the Heritage Agreement.

Typical Heritage Agreement obligations require the owner to:

- Maintain an adequate level of insurance to provide for repairs in the event of damage to significant fabric.
- Carry out specified conservation/restoration works
- Carry out routine maintenance
- In some cases, create and maintain interpretive features
- In some cases, (usually subdivision), conform to design constraints in new construction
- Timeframes for undertaking works required

Additionally, any development application for the redevelopment, extension or adaptation for commercial use of the heritage buildings or additional new structures within their curtilage will be required to be accompanied by a Heritage Impact Assessment, depending on their nature and extent.

Infill Development

It is important to note that the northern and southern development parcels of the site could be subdivided from the existing larger parcel of land and could be developed in isolation from any uses being proposed within the heritage buildings themselves. Any potential subdivision does not, however, modify the registered curtilage or the state registered listing and therefore referral to the Heritage Council will be required for any future development applications.

The principle of the subdivision of parcels of land to the north and south of the heritage buildings for residential purposes is considered to be acceptable. However, it is considered imperative to ensure that the parcels are designed and developed as grouped dwellings only. Subdivision of those parcels into green title single dwellings (for development by single landowners) would be likely to result in a mix of materials, form and design, which would detract from the heritage buildings and their setting.

To prevent this from occurring, Appendix 3 of the Scheme precludes 'Single House' as a permissible use for the northern and southern development parcels, (with the exception of the heritage buildings and the lot to the south-west of the Single Men's Quarters) and specifies minimum lot sizes for the northern and southern development parcel of 2800sqm and 1600sqm respectively.

Further subdivision (into individual lots) has been restricted unless the development parcels have otherwise been developed and/or an approved development has been substantially commenced. The proposed LDP also includes built form provisions to require a consistent design and palette of materials across the entire development parcel.

During the assessment of the proposed Local Structure Plan, concerns were expressed regarding the proximity of any proposed infill development to the heritage buildings. To address this matter, the LDP requires a minimum separation of 6 metres be achieved between the heritage buildings and any new development, at the closest point.

The distance between the proposed boundary of the single residential lot to the south-west of the site and the Single Men's Quarters is also to be a minimum of 6 metres. This will encompass the existing 3 metre public access way to the canal. The landowner is currently seeking a closure of the public access way (PAW) which is a lengthy process requiring the City to initiate a consultation process, with the ultimate outcome being determined by the Minister for Lands. The LDP only permits to the single residential lot to the south-west of the Single Men's Quarters, subject to the closure of the PAW.

There are a number of trees present on-site including a significant row of Olive trees on the northern side of the homestead building, and a Norfolk Island Pine which are identified as having heritage significance within the State Heritage Listing and the Council's Significant Tree Register. This vegetation is required to be retained as part of the proposed LDP, with a 3 metre minimum separation distance to new development from the base of the trees. A landscape plan is required to be submitted at development application stage to detail how the significant trees will be protected and managed and to detail the requirements for additional landscaping.

In accordance with the provisions of the Residential Design Codes (R-Codes), proposed height levels have been identified on the LDP as a maximum of 9 metres. Heights are calculated from established lot level, which is the finished floor level post filling. Effectively the maximum height could be 11.7m AHD when calculating the potential fill requirements. The scale permissible under the LDP is considered to be consistent with the adjacent short stay apartments to the north and the approved two storey development to the south.

Concerns were also expressed during the advertising of the Structure Plan, with regard to the interface between the northern development parcel and the adjacent existing development to the north. The proposed LDP mandates a 6m laneway for vehicular access to the rear of the proposed development, to increase the separation between the existing Quest Apartments and the new development and to provide a built form adjacent to the heritage open space that is not dominated by garages.

Public Access

The potential use of the privately owned heritage open space surroundings the heritage buildings, by both the users of the heritage buildings but also by the users of the adjacent infill development as an area for passive recreation, is considered a critical issue. The heritage buildings have the potential to be used for a number of different uses and as such, an Access Management Plan is a requirement at subdivision/development application stage, whichever comes first, to allow for public access to the heritage precinct and the canal.

The LDP requires the Access Management Plan to detail the following:

- How public access to the heritage open space around the buildings and to the canal will be maintained and managed in perpetuity.
- How the circulation around the heritage open space will be achieved by the provision of well-defined pedestrian access paths (at appropriate grades, widths and materials).
- How access from new lots into the heritage open space will be incorporated; – see landscape section in part 2;

- The provision of interpretative signage; and
- Arrangements for the use of private jetties by the public.

The LDP requires the approved plan to be implemented prior to the re-use of the heritage buildings or prior to the occupation of any development on the northern or southern development parcel. Easements may be required, at development application stage, over the heritage open space to ensure that the access arrangements are maintained in perpetuity.

MEAG Comment

This item will be referred to Mandurah Environmental Advisory Group for comment during the advertising period should Council adopt the LDP for advertising purposes.

Consultation

In accordance with Clause 50 of Deemed Provisions for Local Planning Schemes, a proposed LDP is to be advertised for a minimum period of 14 days. For this proposal, a minimum period of 28 days is recommended.

The consultation and advertising will involve all relevant state government agencies and adjacent landowners. Advertising will involve a sign on site, notification on the City's website and a direct mail out to 728 landowners / residents. This will include all landowners who were consulted on the proposed Local Structure Plan and Scheme Amendment for Lot 506 Apollo Place.

Statutory Environment

This Local Planning Policy is prepared, advertised and adopted pursuant to Part 6 of the Deemed Provisions for Local Planning Schemes (as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2).

Clause 56(1) and Clause 67(h) of the Deemed Provisions for Local Planning Schemes state that the local government is to have due regard to a local development plan in making a determination under the local planning scheme and applications for development approval.

The provisions of the relevant local planning policies and the Residential Codes of Western Australia (R-Codes) may be varied as detailed in the Local Development Plan (LDP).

Any other provision not covered by the Local Development Plan shall be as per the operative Local Planning Scheme and the R40 provisions of the R-Codes.

The LDP area is within a Place on the State Heritage Register. As a result, all works require development approval. Under the Heritage Act of Western Australia 1990 requires that development applications for places listed on the State Register be referred to the Heritage Council for comment and advice. Development must be undertaken in accordance with the advice received from the State Heritage Office.

Policy Implications

Nil

Economic Implications

Increased development opportunities permissible through the Local Development Plan has the potential to provide increased economic benefits for the Precinct.

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2013 – 2033* are relevant to this report:

Environment:

- Protect and ensure the health of the natural environment and waterways.

Infrastructure:

- Facilitate the provision of diverse housing stock.

Identity:

- Encourage active community participation and engagement.

Conclusion

The LDP is intended to provide design guidance and development controls to guide the assessment of any subdivision or development application relating to the re-use of the existing heritage buildings for either residential or commercial purposes, including any alterations and/or additions to the fabric of the heritage buildings, and for the construction of any new buildings within the curtilage of the heritage buildings.

It is recommended that Council adopt the proposed Local Development Plan for advertising purposes.

NOTE:

- Refer ***Attachment 1 Proposed Local Development Plan***

Subject to Committee's consent, officers will make a presentation on this item at the meeting.

RECOMMENDATION

That the Sutton Farm Local Development Plan (Plan ref: 16/LDP70/001, dated 3 March 2017) be adopted for advertising purposes in accordance with Clause 50 of the Deemed Provisions for Local Planning Schemes for a minimum of 28 days.

Sutton Farm Heritage Precinct Local Development Plan



Record of Adoption

Stage	Document Version & Date	Approval Date
Draft for Internal Review	Ver 1 March 2017	N/A
Draft for Council Adoption to Advertise	Ver 2 April 2017	

Schedule of Modifications

No	Summary of the Modification	Document Version & Date	Approval Date

Contents

1.	Introduction	1
1.1	Objectives	1
1.2	Application of the Local Development Plan	1
1.3	Format of the Local Development Plan	2
1.4	Definitions	2
2.	Heritage Buildings and Heritage Open Space	4
2.1	Summary	4
2.2	Adaptive Re-Use for Commercial and/or Residential Purposes	4
2.3	Internal Alterations	5
2.4	External Alterations and Additions	5
2.5	Ancillary Structures	6
2.6	Car Parking Requirements	6
2.7	Public Access to Heritage Open Space	7
2.8	Fencing/Retaining within Heritage Open Space	7
2.9	Landscaping and Significant Trees	8
2.10	Noise Attenuation	8
2.11	Signage	8
2.12	Jetties/Mooring Structures	8
3.	Infill Development	9
3.1	Subdivision	9
3.2	Built Form	9
3.3	Setbacks	10
3.4	Vehicular Access and Car Parking	11
3.5	Materials	11
3.6	Hard and Soft Landscaping/Significant Trees	12
3.7	Fencing/Retaining adjacent to Heritage Open Space	12
3.8	Public Open Space	12
3.9	Exempt Development	13

List of Tables

Table 1	Car Parking for Heritage Uses	6
---------	-------------------------------	---

List of Plans

Plan 1	Local Development Plan	15
--------	------------------------	----

1. Introduction

1.1 Objectives

The objectives of this Local Development Plan are to:

- (a) Establish a precinct that integrates with and compliments the existing Sutton Farm heritage buildings/vegetation and the existing residential dwellings and short stay accommodation adjacent to the site.
- (b) Ensure that new development is consistent in terms of the design of the built form and the use of high quality materials. New infill development must creatively interpret and respond positively to the historic context of the heritage place.
- (c) Maintain a strong relationship between the Sutton Farm heritage buildings/vegetation and the adjacent waterway by ensuring that new development does not visually dominate the heritage place.
- (d) Facilitate appropriate and sensitive adaptive reuse of the Sutton Farm heritage buildings whilst respecting their heritage significance.
- (e) Enable the preservation of the Sutton Farm heritage buildings for the broader community.
- (f) Ensure that analysis of the adjacent heritage buildings and surrounding context is taken into account when designing for development within a Heritage Place. The site analysis must demonstrate an understanding of the significance and character of the surroundings

1.2 Application of the Local Development Plan

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 6 of the Deemed Provisions for Local Planning Schemes (as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).
- (b) Clause 56(1) and Clause 67(h) of the Deemed Provisions for Local Planning Schemes state that the local government is to have due regard to a local development plan in making a determination under the local planning scheme and applications for development approval.
- (c) The provisions of the relevant local planning policies and the Residential Codes of Western Australia (R-Codes) may be varied as detailed in this Local Development Plan (LDP).
- (d) Any other provision not covered by the Local Development Plan shall be as per the operative Local Planning Scheme and the R40 provisions of the R-Codes.
- (e) The LDP area is within a Place on the State Heritage Register. As a result, all works require development approval unless specified in section 3.9 of this LDP.

The *Heritage Act of Western Australia 1990* requires that development applications for places listed on the State Register be referred to the Heritage Council for comment and advice. Development must be undertaken in accordance with the advice received from the State Heritage Office.

1.3 Format of the Local Development Plan

These guidelines apply in two parts:

- (a) Part Two applies to the re-use of the existing heritage buildings for either residential or commercial purposes, including any alterations and/or additions to the fabric of the heritage buildings;
- (b) Part Three applies to the construction of any new buildings within the curtilage of the heritage buildings.

1.4 Definitions

For the purpose of this LDP, the following definitions shall apply:

Heritage Significance:

means the aesthetic, historic, social and scientific values of a place for past, present or future generations.

Significant Trees:

means the trees identified on the LDP that are included on the Heritage Listing.

Conservation Plan:

means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves systematic consideration, recording and monitoring of actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of conservation plans.

Adaptation:

means modifying a place to suit proposed compatible uses.

Alteration:

means the making of structural changes to the outside of the building or work or the making of non-structural changes to the detail, the fabric, finish or appearance of the outside of the building or work not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the building.

Heritage Agreement:

means an agreement entered into pursuant to section 29 of the Heritage of Western Australia Act 1990. It is a legal contract requiring the owner of a place, and the owner's successor's in title, to undertake specified activities to ensure the long term conservation, maintenance and/or interpretation of the place.

Heritage Impact Assessment:

means a report that describes and evaluates the likely impact of a proposed development on the significance of the heritage place and its setting. The report should outline measures by which any detrimental impact may be minimised.

2. Heritage Buildings and Heritage Open Space

2.1 Summary

Where there is a Conservation Plan for a Heritage Place, all development should address the requirements and recommendations contained within the plan.

Adaptive re-use of the heritage buildings will be supported provided that:

- (a) Any required modifications to the fabric of the buildings do not substantially detract from the heritage significance of the place and are consistent with the provisions of this Local Development Plan;
- (b) An Adaptive Re-Use Strategy (which includes all three heritage buildings) is prepared and approved in advance of or simultaneously with the first development application for re-use;
- (c) A Heritage Impact Assessment (prepared by a qualified heritage architect) is also required to be lodged with all development applications that propose significant alteration to the heritage place, adaptive re-use, significant additions or extensions or any demolition. The City of Mandurah may engage a heritage architect to assist in the assessment of any development application;
- (d) The proposed use will not impact negatively on the amenity of the surrounding area.

2.2 Adaptive Re-Use for Commercial and/or Residential Purposes

The City of Mandurah consider that some minor works to the heritage buildings do not constitute development and therefore do not require development approval as follows:

- (a) The carrying out of work to the heritage buildings where this work is inside the building only and is isolated to only recently constructed or new building fabric; and does not involve the removal of any heritage fabric or affect any element of heritage significance; and does not involve the change of use or dimensions of the building;
- (b) The carrying out of maintenance work to recently constructed or new building fabric to the interior or exterior of the heritage buildings, or maintenance work which involves the like for like replacement of materials at the discretion of the City of Mandurah.

Note: *An exemption from development approval does not constitute an exemption or approval under any other legislation or under any other Commonwealth, State or Local Government requirements.*

2.3 Internal Alterations

Internal alterations to a Heritage Building to suit a compatible future use will be supported where:

- (a) The proposal involves the least possible change to the significant fabric;
- (b) The original internal layout is retained where possible. However, where original internal walls or features are proposed to be removed or modified, these changes should be managed to allow evidence of the original layout to be read (for example by retention of nib walls as evidence of the location of a former wall), to retain a sense of the original use of the space(s);
- (c) Where new internal finishes are proposed, careful consideration must be given to retaining evidence of original materials and finishes. Any new finishes must complement existing finishes.

2.4 External Alterations and Additions

External alterations and additions will be considered where:

- (a) The proposal does not detract from the heritage significance and is compatible with the siting, scale, architectural style and form, materials and external finishes of the place;
- (b) New work is easily distinguishable from the significant fabric, except where the proposal constitutes restoration work of the significant fabric;

- (c) New openings are proportional in size relative to the original openings of the heritage buildings and are consistent in terms of materials, finishes, textures and colours;

- (d) New buildings and structures should not directly copy the style and design of the heritage buildings, and should not attempt to look like old buildings.

Rather they should complement the original fabric and design characteristics of the heritage buildings in terms of its bulk, style, materials, colour scheme, and form, which could include contrasting, contemporary buildings;

- (e) Additions should complement the roof form of the existing building. Generally the roof form and pitch should match the pitch of the existing roof;
- (f) Additions may be constructed of materials that match the existing building, or provide a respectful contrast that distinguishes new work from old. Where materials match the original, the design and form of the building and/or features should provide the necessary evidence to distinguish new work from old;
- (g) Paint schemes should be complementary to the existing building;

In some instances, variations to the above provisions may be approved if suitable justification is provided in the context of the significance of the building and it is demonstrated that there is no detrimental impact on the existing building or the streetscape.

2.5 Ancillary Structures

New buildings, structures and other features that are located within the curtilage of a Heritage Building have the potential to impact on the heritage significance. Accordingly, the following provisions are applicable:

- (a) Any proposed buildings, structures or hard-standing (including car parking) should not detract from the setting of the Heritage Building and Heritage Open Space;
- (b) New buildings or structures should be designed and located in such a way that they do not overwhelm or dominate the Heritage Buildings. Outbuildings must be constructed to the same architectural standard as the buildings they serve and discreetly located to avoid any adverse impact on the heritage buildings;
- (c) Existing views of the heritage buildings from the street should be preserved to acknowledge the contribution heritage places make to the streetscape;
- (d) The open relationship between the heritage buildings must be maintained;
- (e) Changes to cater for air-conditioning, solar power, communication devices and the like, should be installed to ensure that they are fixed as discreetly as possible without damaging the existing significant heritage fabric. They should not be located on the primary elevations of the buildings, nor attached to chimneys or other roof features where they will be seen from the street;

- (f) Services on secondary elevations should be located and/or screened appropriately to reduce their visual impact.

2.6 Car Parking Requirements

- (a) Access driveway locations are to be provided as shown on the LDP;
- (b) Parking for non-residential uses within the Heritage Buildings is to be provided on street (Apollo Place) at the applicants' expense. If this cannot be fully accommodated on-street, additional car parking (as shown on the LDP) may be considered. In the event that the heritage buildings are used for residential purposes, careful consideration must be given to accommodating car parking within the heritage open space;
- (c) Car parking is to be provided in accordance with Table 1.

Table 1 Car Parking for Heritage Uses

Use Category	Requirement (as per Gross Leasable Area)
Residential	<ul style="list-style-type: none"> As per R-Codes
Retail (inclusive of restaurant, small bar)	<ul style="list-style-type: none"> 3 bays per 100m²
Office	<ul style="list-style-type: none"> 1 bay per 70m²
Tourist Accommodation	<ul style="list-style-type: none"> 1 per room or unit
Reception Centre	<ul style="list-style-type: none"> 1 per 3 persons capacity

- (d) Car parking areas shall be designed to address security and lighting, shelter, traffic and pedestrian access, signage, landscaping, universal access and bicycle parking;
- (e) Any car parking and circulation areas adjacent to the heritage buildings should be appropriate in scale and informal in design to ensure as little impact as possible on the setting of the place and significant fabric. Materials to be used are compacted gravel, crushed limestone or paving. No bitumen or kerbing will be permitted.
- (f) Any signage required to indicate the location of accessible parking spaces should have minimal impact on the significance of the place, its setting or existing significant fabric.

2.7 Public Access to Heritage Open Space

- (a) An Access Management Plan will be required as a condition of subdivision or development application, whichever comes first;
- (b) The Access Management Plan shall detail the following:
 - how public access to the heritage open space around the buildings and to the canal will be maintained and managed in perpetuity;
 - how the circulation around the heritage open space will be achieved by the provision of well-defined pedestrian access paths (at appropriate grades, widths and materials);
 - how access from new lots into the heritage open space will be incorporated; – see landscape section in part 2;
 - the provision of interpretative signage; and

- arrangements for the use of private jetties by the public.

- (c) The approved plan is required to be implemented prior to the re-use of the heritage buildings or prior to the occupation of any development on the northern or southern development parcel;
- (d) Easements may be required over the heritage open space to ensure that the access arrangements are maintained in perpetuity.

2.8 Fencing/Retaining within Heritage Open Space

- (a) Walls and fences must not dissect the heritage open space or disrupt the open relationship between the three heritage buildings;
- (b) Walls, fences and retaining walls should be of simple design which is complementary to the heritage place in terms of materials, finishes, textures and colours and appropriate to the architectural style.
- (c) In the event that the heritage buildings are used for residential purposes, careful consideration must be given to private open space enclosures to ensure that they are as discreet as possible, are of an appropriate scale to ensure that they do not detract from the openness of the heritage open space and that all ancillary structures are located within the enclosure and screened from view.

Any proposed private open space enclosures must be clearly detailed on any development application and must have a minimal impact on the heritage buildings and the use of the heritage open space where it is a publically accessible area.

2.9 Landscaping and Significant Trees

- (a) Any development application must be accompanied by a Landscaping Plan to detail the proposed hard and soft landscaping for the heritage open space, materials, densities and details regarding how the landscaping will be maintained and managed;
- (b) The retention of the significant trees identified on the LDP, is required. Any new development (including hard-standing) must be a minimum of 3m from the base of the trees.
- (c) New work (both hard and soft landscape features) should be in sympathy with the existing landscape character of the heritage place, maintaining significant views and vistas to and from the heritage building;
- (d) Circulation around the heritage open space must be provided by well-defined pedestrian access paths (at appropriate grades, widths and materials) in accordance with an Access Management Plan and should be located to minimise impacts on the place, fabric and its setting.

2.10 Noise Attenuation

- (a) Any development application for the re-use of the heritage buildings for a noise emitting use must be accompanied by an Acoustic Report (prepared by a qualified acoustic consultant) to detail the noise sources, levels and character and the measures recommended to attenuate the noise;

- (b) Any such noise attenuation measures that impact negatively on the heritage buildings will not be supported.

2.11 Signage

- (a) New signage on the heritage buildings should not be visually dominant, obstruct key features of the heritage buildings or detract from the visual appreciation of the place;
- (b) The colours and materials used for signage should complement the form of the heritage buildings and surrounding streetscape;
- (c) Where wall signage is not appropriate, one freestanding sign of a maximum height of 1.5m, may be permitted, where it is discreetly located to avoid adverse visual impact on the heritage buildings and the heritage open space.

2.12 Jetties/Mooring Structures

- (a) Boat moorings, jetties or any other canal waterways structures will be designed and constructed in accordance with relevant operative Local Planning Policy for Canal Structures, and contained within the mooring envelope indicated on the LDP.
- (b) Any Access Management Plan must include arrangements for the use of private jetties by the public.
- (c) Jetties shown on the LDP are indicative only.

3. Infill Development

Development will be supported within the Northern and Southern Development parcels provided that the proposed development complements the heritage buildings in terms of the built form and achieves a consistency in built form design, materials and colours.

3.1 Subdivision

- (a) Subdivision to allow for the separation of the Northern and Southern Development parcels from the original lot will be permitted in accordance with the provisions of the LDP and the Scheme:
 - (i) The Northern Development Parcel shall have a minimum lot size of 2800m²;
 - (ii) The Southern Development Parcel shall have a minimum lot size of 1600m².
- (b) Further subdivision of the Northern and Southern Development Parcels will not be permitted unless;
 - (i) The proposed subdivision is consistent with an approved development plan;
 - (ii) The proposed subdivision represents a minor boundary adjustment where no additional lots are being created and the future development of the land in accordance with the provisions of this plan are not compromised.

3.2 Built Form

- (a) All buildings within the Northern and Southern Development Parcels must be consistent in terms of their roof form.

Traditional hip, pitch or gable roof pitches of 24.5 degrees minimum, with eaves/wall overhangs of at least 450mm are required;

- (b) All new development shall be constructed with a minimum finished floor level of 2.7m, however allowances may be made circumstances where it can be demonstrated that the impact of increasing the fill levels to such an extent will have a detrimental impact on the area or the amenity of adjacent properties;
- (c) Category B of the R-Codes shall apply for Building Height.

Minor variations may be considered where additional height arises from ensuring that the ground floor is above the flood levels determined by the City of Mandurah and/or the Department of Water;

- (d) Building corners may be articulated by a structure extending one additional storey and with a habitable area of no more than 25sqm;
- (e) New buildings shall have vertically-proportioned openings;
- (f) Balconies or verandahs are required to add articulation and interest, but must be consistent in terms of design and form, for the entire development parcel;

- (g) Access from new lots into the Heritage Open Space must be incorporated. Passive surveillance only is not considered sufficient. The Access Management Plan must include the intended arrangements for this as per Clause 2.7;
- (h) Where a primary frontage is identified on the LDP, buildings must present their main entrance to this frontage and the Heritage Open Space must be overlooked by a habitable room;
- (i) All new buildings must provide passive surveillance of adjacent street from a habitable room. Street elevations must be designed to create visual interest through building form, articulation of walls and openings, architectural features, texture and colour, with particular emphasis given to the ground floor level;
- (j) Any non-active portions of walls must be articulated by means of form, colour and texture to provide visual interest, or screened with vegetation;
- (k) Outdoor living areas are permitted to be located within the Primary Frontage area of the Northern and Southern Development Parcels, overlooking the Heritage Open Space.

Terraces, verandahs and paved seating courtyards along the primary frontage must create a strong sense of the dwelling being designed to enable residents to engage with and overlook the heritage open space;

Any exceptions to the above will only be permitted where there is consistency across all of the Development Parcel (north or south) and on their merits;

3.3 Setbacks

- (a) Setbacks to the Primary Frontage shall be 2m minimum.
- (b) A balcony or verandah may project not more than 1m into the primary frontage setback.
- (c) Minor building elements such as sun shading, roof eaves and projecting wall features may project into the setback area.
- (d) Two storey boundary walls are permitted between dwellings on the Development Parcel for an unrestricted length behind the Primary Frontage setback. Solar access on adjoining sites must take into account the extent of the boundary walls.
- (e) Canal setbacks to be as per the provisions of the Local Planning Scheme.

3.4 Vehicular Access and Car Parking

- (a) Parking for the residential uses shall be provided in accordance with the R-Codes. Parking for any non-residential component shall be provided in accordance with Table 1 of the LDP.
- (b) For the Northern Development Parcel, all vehicular access must be from the 6m rear laneway;
- (c) For the Southern Development Parcel, on-site parking must not be located within the primary frontage or adjacent to the road reserve. It must be located internally within the development and accessed from a single entry point;
- (d) Access driveway locations shown on the LDP are mandatory, to ensure that garage doors do not dominate the public face of the buildings and detract from the heritage buildings;
- (e) Within the Northern Development Parcel, a 0.5m setback to carports and garages applies;
- (f) On-street parking on Apollo Place can be included in the calculation for visitor parking as required by the R-Codes.

3.5 Materials

- (a) Wall materials shall be stone or other masonry elements such as red face brick or rendered blocks/panels in muted earthy tones, horizontal timber or composite weatherboarding. Tilt up concrete will not be permitted;
- (b) Wall finishes shall be limited to two predominant materials or colours on any elevation;
- (c) A limit of 80% total wall coverage (excluding windows and openings) applies to the use of any one colour to any publically visible façade;
- (d) Where lightweight wall materials are employed they shall be placed above rather than below masonry wall materials;
- (e) Roofs shall be light-coloured metal roofing. Concrete or clay tiled roofs will not be permitted;
- (f) All gutter and downpipe profiles or treatment shall complement the palette of the rest of the building;
- (g) The following building elements and materials are not permitted where visible from Apollo Place or from a heritage building within the LDP:
 - Primary or other bright colours
 - Dark, tinted or highly reflective (mirror effect) glass
 - External roller security shutters
 - Applied graphics

Any other finishes will be considered on their merits.

3.6 Hard and Soft Landscaping/Significant Trees

- (a) A 1.5m wide path must be provided between the front boundary of the Development Parcels and the adjacent boundary of the Heritage Open Space, as shown on the LDP.
- (b) The retention of the significant trees identified on the LDP is required.

Any new development (including hard-standing) must be a minimum of 3m from the base of the trees.

- (c) Metal sheet fencing (such as Colorbond) is not permitted within any Primary Frontage, Street Elevations and Important Elevations locations;
- (d) The dimensions, design and positions of all proposed fencing and/or retaining walls that are visible from the Heritage Open Space or the public realm must be provided as part of any development application.
- (e) Any new retaining walls must be constructed in limestone blockwork or in any other material as approved by Council.

3.7 Fencing/Retaining adjacent to Heritage Open Space

- (a) Fencing along the Primary Frontage shall be:
 - (i) no more than 1.2m high (measured from the top of the retaining wall);
 - (ii) a maximum of 25% solid portion of the fencing, the remainder to be visually permeable;
 - (iii) posts and supporting columns consisting of limestone blocks, rendered masonry wall or timber.
 - (iv) constructed simultaneously at the time of subdivision/development and be uniform in nature and be retained in perpetuity.
- (b) Fencing to the Street Elevations, Important Elevations (as shown on the LDP) and the Canal Elevation shall be as per the Street Walls and Fences requirements of the R-Codes.

No solid fencing will be permitted in these locations.

3.8 Public Open Space

- (a) Although the Heritage Open Space is retained in private ownership, the City will support its use as the public open space contribution in accordance with the relevant WAPC Policy.
- (b) Unless an Access Management Plan has already been approved, an Access Management Plan, in accordance with Clause 2.7, will be required as a condition of subdivision or development application, whichever comes first.

3.9 Exempt Development

Development approval is not required for the following works:

- (a) The erection of an outbuilding of a maximum size of 10m² that is discreetly located to avoid any adverse impact on the heritage buildings or the heritage open space.

Outbuildings must not be located within the Primary Frontage of the Northern or Southern Development Parcel or on the Single Residential lot.

- (b) The carrying out of work to the inside of a building within the Northern and Southern Development Parcel and the Single Residential Lot, which does not involve the change of use or dimensions of the building.
- (c) The carrying out of maintenance work to the exterior of a building within the Northern and Southern Development Parcel and the Single Residential Lot, which involves the like for like replacement of materials at the discretion of the City of Mandurah or is consistent with the provisions of this LDP.
- (d) Solar collectors, aerial antennae, satellite dishes, rainwater tanks and air conditioning equipment, that are fixed as discreetly as possible and/or screened to ensure that they do not have an adverse visual impact on the Heritage Buildings or the Heritage Open Space.



Development Areas

- Heritage Buildings
- Heritage Open Space
- R40 Northern Development Parcel
- R40 Southern Development Parcel
- R40 Single Residential Lot

Overlays

- Primary Frontage for Infill Development
- Pedestrian Access Paths to be provided (Easements required to provide access to new dwellings from Heritage Open Space)
- Significant Trees to be Retained
- Setbacks from Heritage Buildings to Infill Development
- Vehicular Access Points
- Street Elevation
- Important Elevations

Notes

- ① Existing Sutton Farm Homestead building
- ② Existing 'barn'
- ③ Existing Single Men's Quarters
- ④ 20m Setback to Any New Development Site from Existing Homestead Building
- ⑤ Potential Car Parking Area for uses within the Heritage Buildings and/or Heritage Open Space
- ⑥ 6m Setback to Any New Development Site from Single Men's Quarters and Barn
- ⑦ 6m Access Laneway for Northern Development Parcel
- ⑧ Internal Shared Driveway for Garage Access within Southern Development Parcel
- ⑨ Southern Single Residential Lot being permitted subject to closure of Existing Public Access Way
- ⑩ Indicative Jetty and Moorings for New Infill Development and Public Use to access Heritage Open Space

Local Development Plan Boundary

Local Development Plan

