



MINUTES OF

PLANNING COMMITTEE

HELD ON

TUESDAY 1 AUGUST 2017

AT 5.30 PM

IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE MANDURAH

PRESENT:

COUNCILLOR	PETER ROGERS [CHAIRMAN]	TOWN WARD
HON COUNCILLOR	F RIEBELING	COASTAL WARD
COUNCILLOR	TAHLIA JONES	COASTAL WARD
COUNCILLOR	LYNN RODGERS	EAST WARD
COUNCILLOR	R WORTLEY	NORTH WARD
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD

ELECTED MEMBERS OBSERVING:

Nil.

OFFICERS IN ATTENDANCE:

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	T FREE	DIRECTOR SUSTAINABLE DEVELOPMENT
MR	B DRECKOW	MANAGER PLANNING & LAND SERVICES
MRS	L GREENE	COORDINATOR ELECTED MEMBER SERVICES

OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS [AGENDA ITEM 1]

The Chairman declared the meeting open at 5.30 pm.

APOLOGIES [AGENDA ITEM 2]

Mayor Vergone (non-Committee Member).

DISCLAIMER [AGENDA ITEM 3]

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

ANSWERS TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

Nil.

DEPUTATIONS [AGENDA ITEM 7]

**P.1/8/17 MS L STUBBS, REPRESENTING FRIENDS OF PAGANONI SWAMP:
LAKELANDS NORTH-EAST LOCAL STRUCTURE PLAN: LOCAL
GOVERNMENT REPORT TO WESTERN AUSTRALIAN PLANNING
COMMITTEE**

With regard to the recommendations being made to the Western Australian Planning Commission on the Lakelands North-East Local Structure Plan, Ms Stubbs highlighted the ecological importance of the Paganoni Swamp Reserve situated on the northern boundary of the proposed development, including:

- The winter-wet swamp is surrounded by tuart banksia woodland to the west and mainly banksia woodland with some jarrah to the east. Banksia woodlands of the Swan Coastal Plain was listed as 'endangered' under the Federal Environmental Protection Biodiversity and Conservation Act's list of threatened ecological communities.

- The winter-wet swamp to the west of the development is an extension of the swamp within the Reserve, with Paganoni Lake further southward. The swamp is a conservation category wetland, the highest priority wetlands for conservation.
- The Reserve is habitat for endangered flora and fauna, including the hammer orchid, Black Cockatoos and chuditch on occasion.

In view of the environmental sensitivities, Friends of Paganoni Swamp requested that if the North-East Local Structure Plan is approved:

- As many trees as possible be retained within the proposed development site, as they provide a food source, and Black Cockatoos spend a lot of time in these trees.
- The developer and landowners contribute by prioritising the planting of native species over exotics, which will also limit the prospect of weedy species encroaching into the Reserve.
- Homeowners be educated on the value of living so close to a first class conservation reserve and the steps they can take to contribute to its long term ecological health.
- A clause be included stating that cats be confined between sunset and sunrise, to protect the wildlife in the reserve.

CONFIRMATION OF MINUTES [AGENDA ITEM 8]

P.2/8/17 CONFIRMATION OF MINUTES

RESOLVED: Tahlia Jones / F Riebeling

That the Minutes of the Planning Committee held on Tuesday 4 July 2017 be confirmed.

CARRIED UNANIMOUSLY: 7/0

DECLARATION OF INTERESTS [AGENDA ITEM 9]

Nil.

QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION [AGENDA ITEM 10]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

Nil.

BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 11]

Nil.

REPORTS [AGENDA ITEM 12]**P.3/8/17 LAKELANDS NORTH-EAST LOCAL STRUCTURE PLAN: LOCAL
GOVERNMENT REPORT TO WESTERN AUSTRALIAN PLANNING
COMMITTEE (BD / TF) (REPORT 1)**

Council is requested to consider a Local Structure Plan (LSP) for Lot 105 Stock Road, Lakelands. The LSP provides for residential development and a primary school site. The site is located to the east of the Paganoni Lake and Stock Road to the west.

The residential density proposed is low to medium and provides for a total of 5.2868ha of public open space. In order to facilitate development and subdivision of this area, there are a number of environmental factors that require the preparation of management plans, as well as the revision of already submitted management plans.

The LSP was advertised for a period of 28 days with 9 submissions being received.

A local government report, including any recommendations, is required to be submitted to the Western Australian Planning Commission (WAPC).

It is recommended that Council support the proposed LSP with modification, and forward it to the WAPC for final approval.

Subject to the inclusion of the following modifications, Councillor Knight moved the recommendation set out in the report, which was seconded by Hon Councillor Riebeling:

- *The following wording be added at the end of clause 1.3 “and that all requirements with respect to tuart woodlands being on the final priority assessment list for threatened ecological communities (TEC) is addressed”.*
- *The inclusions of the following additional clause “3 The applicant be advised that the City of Mandurah will require the subdivision design to seek to have maximum retention of the existing tuart trees on site, and seek to include trees in future public open space and road reserves.*

In addition to the above, Councillor Knight suggested including a note regarding mobile telephone towers. In this regard, the Manager Planning and Land Services suggested that dialogue take place with the applicants, with the ability for the WAPC to consider this as part of the final approval process.

During the debate that ensued, and at the request of Councillors, the Director Sustainable Development and Manager Planning and Land Services provided clarification regarding the City's responsibility in managing the site, cats and feral animals' impact on nature reserves, and the importance of the Wetland Management Plan in ensuring that prospective purchasers were aware of the environmental sensitivities and presence of wildlife and their role in protecting the integrity of the Reserve.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That under Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council provides this report to the Western Australian Planning Commission for the Lakelands North-East Local Structure Plan (Dated April 2017; Version 1) recommending that:

- 1 The proposed Structure Plan should not be approved until the following matters have been addressed:**

- 1.1 A revised Bushfire Management Plan being prepared as required by the comments of the Department of Fire and Emergency Services (dated 10 July 2017);
 - 1.2 A revised Local Water Management Strategy being prepared in consultation with the Department of Water and Environmental Regulation and the City of Mandurah.
 - 1.3 The applicant ensuring that its responsibilities under the EPBC Act have been satisfied by making contact with the Federal Department of Environment and Energy and that all requirements with respect to tuart woodlands being on the final priority assessment list for threatened ecological communities (TEC) is addressed.
- 2 Upon the above being satisfied and the Local Structure Plan being modified accordingly, the plan being approved subject to the following matters being included in the Structure Plan:
- 2.1. The following requirements being included in Section 4 (Subdivision and Development):
 - (a) The provision of uniform visually permeable fencing for those lots adjacent to Stock Road
 - 2.2. The following requirements being included in Section 7 (Additional Information):
 - (a) further traffic analysis shall be undertaken at subdivision stage to determine:
 - (i) The requirement for traffic signalisation at the intersection of Mandjoogoordap Drive and Lilydale Drive and
 - (ii) Consistency between the subject Structure Plan area and Lakelands East Structure Plan area in regards to the Neighbourhood Connector road primacy and road reserve width.
 - (b) A Fauna Management Plan. The plan shall be prepared as a condition of subdivision approval in consultation with the City of Mandurah and WAPC.
 - (c) A Nutrient Management Plan. The plan shall be prepared as a condition of subdivision approval in consultation with the City of Mandurah and WAPC.
- 3 The applicant be advised that the City of Mandurah will require the subdivision design to seek to have maximum retention of the existing tuart trees on site, and seek to include trees in future public open space and road reserves.

CARRIED UNANIMOUSLY: 7/0

P.4/8/17 LAKELANDS EAST STRUCTURE PLAN MODIFICATION NO 2 REPORT TO WESTERN AUSTRALIAN PLANNING COMMISSION (BD / AH) (REPORT 2)

The Lakelands East Outline Development Plan (ODP) was originally granted final approval by Council in August 2012 and endorsed by the Western Australian Planning Commission (WAPC) in August 2013, with minor modifications being approved by Council in January 2015.

The City has now prepared further modifications to the Lakelands East ODP on behalf of the landowner. The proposed modifications include the following:

- (i) Replacing the terminology of Outline Development Plan to Structure Plan;
- (ii) Replacing the 'Community Purpose' and 'Commercial' land use designations on the corner of Lake Valley Drive and Lilydale Drive with Medium Density Residential (R30-R60) and Public Open Space;
- (iii) Removing Note 7 on the ODP which refers to permissible commercial land uses.

Advertising of the proposed modifications was undertaken in accordance with the requirements of the Deemed Provisions for Local Planning Schemes during which 6 submissions were received.

Following the consideration of the submissions received, Council is requested to provide this report to the Western Australian Planning Commission, supporting the modifications proposed.

RESOLVED TO RECOMMEND: F Riebeling / Lynn Rodgers

That under Clause 20(2) of Deemed Provisions for Local Planning Schemes, Council provides this report and the schedule of submissions to the Western Australian Planning Commission for the Lakelands East Local Structure Plan – Modification No 2 (Plan Dated 10 April 2017; Plan Ref: 08/017/015H (CoM)) recommending that the proposed Structure Plan should be approved.

CARRIED UNANIMOUSLY: 7/0

P.5/8/17 LAKELANDS TOWN CENTRE ACTIVITY CENTRE PLAN (BD / EH) (FILE ACP2) (REPORT 3)

The current Lakelands Activity Centre Plan was adopted by Council in July 2014. The plan was prepared as a requirement of State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) prior to the consideration of a development application for the first stage of the Lakelands Town Centre.

As part of the City's planning and policy review, modifications are proposed to the Lakelands Activity Centre Plan to update the plan and to ensure consistency across all activity centre precincts within the City of Mandurah and the approval requirements of an Activity Centre Plan under the Deemed Provisions for Activity Centre Plans now be the responsibility of the Western Australian Planning Commission. As a result, the ACP has been modified to include subdivision and development requirements to guide any further development of the Lakelands Town Centre.

In accordance with Part 5 of the Deemed Provisions for Local Planning Schemes, Council is requested to consider the adoption of the Lakelands Activity Centre Plan for the purposes of advertising.

Councillor Knight moved the recommendation set out in the report, which was seconded by Hon Councillor Riebeling. At the request of Councillor Wortley, the Manager Planning and Land Services provided clarification regarding the pedestrian and vehicular interface at the Lakelands Town Centre, which would continue to be monitored, with reviews undertaken and modifications made if required.

RESOLVED TO RECOMMEND: C Knight / F Riebeling

That Council resolves to adopt the Lakelands Town Centre Activity Centre Plan (ACP2 – Dated August 2017) for the purposes advertising in accordance with Part 5 (Activity Centre Plans) of the Deemed Provisions for Local Planning Schemes and advertises the plan for a minimum of 28 days.

CARRIED UNANIMOUSLY: 7/0

P.6/8/17 LOCAL PLANNING POLICY 1 – RESIDENTIAL DESIGN CODES: FINAL APPROVAL (BD / TF) (FILE LPP1) (REPORT 4)

State Planning Policy 3.1 - Residential Design Codes ('R-Codes') were updated in 2013 to reflect the increasing development of apartment buildings (multiple dwellings) in medium to high density areas and to make revisions to the layout, content and formatting of the document.

Council has a current Local Planning Policy (LPP10) which deals with supplementary provisions to the previous version of the R-Codes and current planning scheme provisions dealing with residential development, including canal lots.

Arising from modifications to the R-Codes and a review of the existing LPP10 and internal working practices, a new Residential Design Codes Policy was been prepared to provide a user friendly document that assists with the design and assessment of dwellings, while providing certainty regarding acceptable Residential Design Codes deemed-to-comply provisions requirements.

In addition, the revised policy includes the following:

- Inclusion of R-MD Codes following the Western Australian Planning Commission release of a standard set of provisions for smaller lots where implementation is required to be through an LPP. As a result, modifications to the policy has introduced the R-MD Codes; and
- Refinement and clarification of matters for canal lots that are not covered by the R-Codes and the provisions of the local planning scheme do not thoroughly cover.

The draft LPP was adopted by Council for advertising in 2015 and subsequently advertised. Given that only minor improvements have been made to the content of the Local Planning Policy, the policy does not require further advertising. As a result, it is recommended Council adopt Local Planning Policy 1.

RESOLVED TO RECOMMEND: F Riebeling / C Knight

That in accordance with Clause 4(4) of the *Deemed Provisions for Local Planning Schemes*, Council resolves to proceed with Local Planning Policy 1 – Residential Design Codes (dated August 2017) with modification and publish a notice in the local newspaper giving effect to the Policy.

CARRIED UNANIMOUSLY: 7/0

P.7/8/17 LOCAL PLANNING POLICY NO 5 TELECOMMUNICATIONS INFRASTRUCTURE NOTIFICATION AND ADVERTISING GUIDELINES: ADOPTION FOR FINAL APPROVAL (BD / AH) (FILE F6006) (REPORT 5)

Council is requested to consider adopting for final approval Local Planning Policy No. 5 – Telecommunications Infrastructure Notification and Advertising Guidelines.

The objectives of the draft policy are to outline:

- the requirements of a proponent to notify the community of a proposal for telecommunications infrastructure where exempt from the need for planning approval: and
- the procedures that Council will follow in advertising an application for planning approval for telecommunications infrastructure.

The draft policy was adopted for advertising purposes by Council at its meeting held in December 2014 and subsequently advertised for public comment during August and September 2015. During the advertising period one submission was received suggesting minor modifications to the policy.

Council is now requested to consider the final adoption the policy with the inclusion of minor modifications in line with the submission received and to update references within the policy in accordance with current legislation.

Councillor Lynn Rodgers moved the recommendation set out in the report, which was seconded by Councillor Knight. During the debate that ensued, and at the request of Councillors, the Manager Planning and Land Services provided clarification regarding the process of determining whether to hold public information sessions where substantial public concern was raised, and provisions in the current Delegated Authority, which remained unaffected.

RESOLVED TO RECOMMEND: Lynn Rodgers / C Knight

That in accordance with Schedule 2, Part 2, Clause 3 of the Deemed Provisions for Local Planning Schemes) Regulations 2015, Council resolves proceed with Local Planning Policy No. 5: Telecommunications Infrastructure Notification and Advertising Guidelines (dated August 2017) and publish a notice in the local newspaper giving effect to the Policy.

CARRIED UNANIMOUSLY: 7/0

**P.8/8/17 SHORT-TERM RENTAL ACCOMMODATION AND THE SHARED ECONOMY
DISCUSSION PAPER (TF / BD) (REPORT 6)**

The Western Australian Local Government Association (WALGA) has released a discussion paper on Short Term Accommodation and the Shared Economy and local government's responsibilities in governing their activities in order to consult with Local Government members on this matter.

Council has previously considered this matter in some detail in March and June 2015.

The WALGA discussion paper outlines the current planning framework in WA dealing with short-term accommodation, including the WAPC Planning Bulletin 99 - Holiday Homes Guidelines. The paper also highlights how local governments from across the State are currently dealing with the short term accommodation. Examples of other Australian States and their approach is highlighted in the discussion paper. The NSW government has held an inquiry into the matter of short-term accommodation and it is understood by officers some other States are also reviewing the matter.

It was recommended that the City continue to take an approach which limits its involvement in the approval process, but that the City remains responsive to complaints received. This is consistent with the Council position of 2015.

Hon Councillor Riebeling moved the recommendation set out in the report, which was seconded by Councillor Wortley. During the debate that ensued, Councillors Wortley and Knight reported on

discussions that had taken place at the 2017 Australian Coastal Councils Conference, which they had attended in May.

RESOLVED TO RECOMMEND: F Riebeling / R Wortley

That Council

- 1 Advises the Western Australian Local Government Association that Council has previously considered this matter in March and June 2015.**
- 2 Advises the Western Australian Local Government Association that:**
 - (a) Tourism is important to regional Western Australia;**
 - (b) Significant numbers of visitors to Mandurah stay in a friends or relatives property (i.e. in residential areas); and**
 - (c) Commercial activities are permitted and do occur in residential areas, via Bed and Breakfasts and home occupancies**
- 3 Advises the Western Australian Local Government Association that Council's position is that:**
 - (a) The City has adopted a responsive approach to holiday houses and considers that an additional approval for short stay accommodation beyond the original to build the dwelling whether in a single dwelling or grouped or multiple dwelling circumstance does not add additional value to the process;**
 - (b) With regard to definitions that the City considers that:**
 - Holiday houses in grouped or multiple housing should be dealt with in the same manner as for a single house;**
 - Definitions with the Model Provisions for Local Planning Schemes should reflect this position; and**
 - All 'land use' definitions should be within the Deemed Provisions for Local Planning Schemes and not the Residential Design Codes;**
 - (c) Home sharing, if ultimately defined, should be treated in the same manner as Holiday Houses;**
 - (d) Party houses are not considered to be an issue within the City of Mandurah**
- 4 Acknowledges that any changes to the planning scheme requirements will require the involvement of the Western Australian Planning Commission.**
- 5 Modifies draft Local Planning Scheme 12 at the appropriate stage in the progression of the Scheme to address Part 3(b) above by ensuring that holiday homes that holiday houses in grouped or multiple housing should be dealt with in the same manner as for a single house.**
- 6 That under the provisions of Town Planning Scheme No 3 that in the absence of any reference to 'Holiday House' in the Scheme that the following applies as an interim measure:**
 - (a) A 'Holiday House' is defined as "*means a dwelling used to provide short stay accommodation*";**
 - (b) That a 'Holiday House' is treated as an 'unlisted use' under Clause 3.2.2 of the Scheme, and that Council determines that for all zones where dwelling is a permitted**

or discretionary use, determines that a Holiday House is consistent with the zone and is therefore permitted; and

- (c) By virtue of being a 'permitted use' are exempt from the need for development approval under Clause 61(2)(b) of the Deemed Provisions for Local Planning Schemes.

CARRIED UNANIMOUSLY: 7/0

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 13]

Nil.

CONFIDENTIAL ITEMS [AGENDA ITEM 14]

Nil.

CLOSE OF MEETING [AGENDA ITEM 15]

There being no further business, the Chairman declared the meeting closed at 6.14 pm.

CONFIRMED:[CHAIRMAN]